

VILLAGE OF WHEELING CONSTRUCTION CODES

INTERNATIONAL BUILDING CODE 2012
(With Local Amendments)

INTERNATIONAL MECHANICAL CODE 2012
(With Local Amendments)

INTERNATIONAL FUEL GAS CODE 2012
(With Local Amendments)

INTERNATIONAL PROPERTY MAINTENANCE CODE 2012
(With Local Amendments)

INTERNATIONAL ENERGY CONSERVATION CODE 2012
(With Local Amendments)

INTERNATIONAL FIRE CODE 2012
(With Local Amendments)

INTERNATIONAL RESIDENTIAL CODE 2012
(With Local Amendments)

N.E.C. NATIONAL ELECTRIC CODE 2011
(With Local Amendments)

INTERNATIONAL PLUMBING CODE 2012
and
ILLINOIS STATE PLUMBING CODE, LATEST EDITION
(With Local Amendments)

Handicap Accessibility in Amendments
Provisions of the latest edition of
IL Accessibility Code,
April 1997

VILLAGE OF WHEELING

ORDINANCE NO. 4739

**AN ORDINANCE AMENDING TITLE 14, FIRE, AND TITLE 15, BUILDINGS
AND CONSTRUCTION, OF THE WHEELING MUNICIPAL CODE**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF WHEELING**

THIS 10th DAY OF DECEMBER 2012.

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE PRESIDENT
AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING,
COOK AND LAKE COUNTY, ILLINOIS.**

THIS 10th DAY OF DECEMBER 2012.

EFFECTIVE DATE: 1ST DAY OF JANUARY, 2013.

ORDINANCE NO. 4739

AN ORDINANCE AMENDING TITLE 14, FIRE, AND TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE WHEELING MUNICIPAL CODE

WHEREAS, the Community Development and Fire Departments have recognized it is necessary from time to time to amend the Building Codes, including the Fire Code, to remain up-to-date with changing codes and standards; and

WHEREAS, the President and Board of Trustees of the Village of Wheeling have reviewed the recommendation of Village staff and find it to be in the best interests of the citizens of the Village to amend the codes and language in the Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS to strike in their entirety, Titles 14 and 15 and replace with the following:

SECTION A:

TITLE 14, FIRE

CHAPTER 14.01 FIRE CODE

14.01.010 Codes on file.

That certain documents, three copies of which are on file in the office of the Wheeling Village Clerk, be marked and designated as "The International Fire Code, 2012 Edition."

14.01.020 Adoption of the International Fire Code, 2012 edition.

A. The *International Fire Code*, 2012 edition, including Appendix Chapters B, C, D, and E, as published by the International Code Council, Inc., is hereby adopted as the *Fire Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Fire Code* on file in the office of the Village of Wheeling, are hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 14.01.020.B. and Section 14.01.020.C., of this Ordinance.

B. The following sections of the *International Fire Code*, 2012 edition, are hereby revised, amended, or added in words and figures as follow.

1. **Section 101.1 Title.** These regulations shall be known as the *Fire Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, hereinafter referred to as "this code."
2. **Section 103.2 Appointment.** The Wheeling fire chief shall be the *fire code official*.
3. **Section 103.3 Deputies-Delete in its entirety**

4. **Section 108.3 Qualifications.** The board of appeals shall consist of the Village President, a Village Trustee appointed by the Village President, and the Village Manager.

5. **Section 109.4 Violation penalties:** *Persons* who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Add: **Section 109.4.2 Court costs.** In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings

6. **Section 111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

Add: **Section 111.4.1 Court costs.** In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs fees for the proceedings.

7. **Section 202 General Definitions.** Change only the following definition:

[B] **HIGH-RISE BUILDING.** A building with an occupied floor located more than 50 feet (15,240 mm) above the lowest level of fire department vehicle access.

8. **Section 304.3.3 Capacity exceeding 1.5 cubic yards.** Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³) or more shall not be stored in buildings or placed within 10 feet (3,048 mm) of combustible walls, openings or combustible roof eave lines. *Exceptions remain as published.*

9. **Section 304.3.4 Capacity of 1 cubic yard or more.** Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76m³) or more shall not be stored in buildings or placed within 10 feet (3,048 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM # 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation. *Exceptions remain as published.*

10. **Section 503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support a minimum of 22 tons (22.35 metric tons) and the driving surface shall be constructed of concrete or asphalt of sufficient thickness and design to meet the minimum load bearing capacity. The use of pervious concrete systems or similar hardened roadway surfaces is prohibited.

11. **Section 503.2.4 Turning radius.** The minimum inside turning radius shall be 23 feet (7.01 m) and the minimum outside turning radius shall be 33 feet (10.06 m).

12. **Section 503.3 Marking.** All required fire apparatus roads shall have approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE posted every 200 feet (60.96 m) along the entire length of the fire lane. In those areas where the fire lane is also part of the driveway or parking area, approved signs shall be posted every 100 feet (30.48 m) along the entire length of the fire lane. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

13. **Section 507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

14. **Section 507.5.1 Where required. Exceptions:** Delete in their entirety.

15. **Section 507.5.1.1 Hydrant for fire suppression or standpipe systems.** Buildings equipped with a fire suppression system installed in accordance with Section 903 or a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 50 feet (15.24 m) of the fire department connection.

Exception: The distance shall be permitted to exceed 50 feet (15.24 m) but not more than 300 feet (91.44 m) where approved by the fire code official.

16. Add: **Section 507.5.1.2 Hydrant for construction sites.** Buildings hereafter constructed or demolished shall have a clear, unobstructed access to at least one fire hydrant within 350 feet (106.68 m) as measured along the fire department access roadway.

17. Add: **Section 511 Fire Equipment Box System (FEBS)**

18. Add: **Section 511.1 General.** An approved fire equipment box system shall be provided in all buildings in which a floor level exists that is more than 35 feet (10.69 meters) above the lowest level of Fire Department vehicle access, or in which there exists a floor level more than 35 feet (10.69 meters) below the highest level of Fire Department access or as approved by the Fire Department. Special hazards will require additional boxes and equipment. All boxes and equipment shall be provided at the owner's expense.

19. Add: **Section 511.2 Equipment.** The Fire Equipment Box System (FEBS) shall consist of a storage box and firefighting equipment per the requirements of the Wheeling Fire Prevention Bureau. The storage box shall be a "Job Box 6YG40 Storage Chest (or equivalent) with 6-inch caster set with brakes. The storage box shall be equipped with the following items:

- a. 150 feet of 1 ¾ inch Ponn (Conquest) lightweight fire department hose equipped with National Standard Thread (NST) couplings.
- b. 1 - Elkhart brass (Chief) Nozzle rated at 150 gallons per minute (gpm) at 150 pounds square inch (psi).
- c. 25 feet of 2½-inch double jacketed fire department hose equipped with National Standard Thread (NST) couplings.
- d. 1 - 2½ inch x 2 - 1½ inch gated wye
- e. 2 - Spanners wrenches
- f. 1 - 10 inch Crescent-type wrench
- g. 1 - Vise Grip - type wrench

- h. 1 - D-handle closet hook
- i. 1 - 36 inch long pick head axe
- j. 1 - 36 inch long Halligan-type tool
- k. 1 - 36 inch long sledgehammer
- l. 1 - Hose bag

20. Add: **Section 511.3 Area of Coverage.** The quantity of individual FEBS boxes provided shall be determined upon review of the building floor plan layout by the Fire Prevention Bureau. Minimum requirements for quantity of boxes provided:

- 1. A minimum of one (1) box shall be provided starting at the level of Fire Department access and on every fifth (5th) floor of the building height above or below the level of Fire Department access.
- 2. The maximum area of coverage for each FEBS box provided shall not exceed 250,000 square feet (23,225.8 square meters) per floor on the floor level where the FEBS box is provided.

21. Add: **Section 511.4 Storage Location.** The FEBS box shall be located in a secured location on the floor level where the box is located. This location shall be in a closet or other location approved by the Wheeling Fire Prevention Bureau. The minimum storage area required shall be 5 feet by 8 feet (1.52 meters by 2.44 meters). The minimum door clear opening size for the storage area shall be 34 inches (0.86 meters).

22. **Section 603.3.2.5 Tanks in basements.** Tanks in *basements* shall be located not more than one story below grade plane.

23. **Section 901.4.3 Fire Areas.** Delete in its entirety, and then renumber **Section 901.4.4** as **901.4.3 Additional fire protection systems**, **Section 901.4.5** as **901.4.4 Appearance of equipment**, and **Section 901.4.6** as **901.4.5 Pump and riser room size**.

24. **Section 903.2 Where required.** Change **Exception** only, to read:

Exceptions:

- 1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 708 of the *International Building Code* or not less than 2-hour horizontal assemblies constructed in accordance with Section 711 of the *International Building Code*, or both.
- 2. Public facilities used as picnic shelters, restrooms, and similar used, provided the floor area is not greater than 400 square feet (37.16 m) and no fossil fuel heating appliances are used.

25. **Section 903.2.1.1 Group A-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-1 occupancies.

26. **Section 903.2.1.2 Group A-2.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-2 occupancies.

27. **Section 903.2.1.3 Group A-3.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-3 occupancies.

28. **Section 903.2.1.4 Group A-4.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-4 occupancies.

29. **Section 903.2.1.5 Group A-5.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-5 occupancies.

30. **Section 903.2.2 Group B.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group B occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

31. **Section 903.2.2.1 Ambulatory care facilities.** An *automatic sprinkler system* shall be installed throughout all buildings containing ambulatory care facilities.

32. **Section 903.2.3 Group E.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group E occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

33. **Section 903.2.4 Group F.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group F occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

34. **Section 903.2.6 Exceptions** delete in their entirety **3.** and **4.** then add:

3. One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

35. **Section 903.2.7 Group M.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group M occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

Note: No change to **Section 903.2.7.1 High-piled storage.**

36. **Section 903.2.9 Group S.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group S occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

37. **Section 903.2.9.1 Repair Garages.** An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*.

38. **Section 903.2.9.2 Bulk storage of tires.** Buildings and structures where there is an area for the storage of tires shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

39. **Section 903.2.10 Group S-2 enclosed parking garages.** An *automatic sprinkler system* shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the *International Building Code*.

40. **Section 903.2.10.1 Commercial parking garages.** An *automatic sprinkler system* shall be provided throughout buildings used for storage of commercial trucks or buses.

41. **Section 903.2.11 Specific buildings areas and hazards.** In all occupancies other than Group U, an *automatic sprinkler system* shall be installed. Group U buildings, such as agricultural buildings, barns, and stables, shall have an automatic sprinkler system.

42. **Section 903.2.11.1 Stories without openings.** Delete in its entirety, including Sections 903.2.11.1.1, 903.11.1.2, and 903.2.11.1.3; then renumber rest of section beginning with 903.2.11.1 Rubbish and linen chutes.

43. **Section 903.2.11.2 (previously 903.2.11.3) Buildings 50 feet or more in height.** Change **Exception** only to read: **Exception:** Airport control towers.

44. **Section 903.3.1 Standards.** Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable. Additionally all standards referenced by Section 903.3.1.1, 903.3.1.2, and 903.3.1.3 shall be revised to require a minimum 5 psi safety factor incorporated into all hydraulic calculations associated with any new and/or substantially modified fire sprinkler system. This safety factor shall be added into the final calculations after all other hydraulic calculations have been completed to the point where the underground service line directly connects to the public water main system. All hydraulic calculations shall be based upon an on-site flow test completed no more than 180 days prior to the design submittal.

45. **Section 903.3.6 Hose threads.** Fire hose threads and fittings used in connection with *automatic sprinkler systems* shall be equipped with National Standard Thread (NST).

46. **Section 903.4 Sprinkler system supervision and alarms. Exceptions:**

1. *Automatic sprinkler systems* protecting one- and two-family *dwellings*.
2. Limited area systems serving fewer than 20 sprinklers.
3. Jockey pump control valves that are sealed or locked in the open position.

47. **Section 904.3.5 Monitoring.** All automatic fire-extinguishing systems, including all system isolation valves, in every use group, shall be monitored with an approved fire alarm system with supervision in accordance with NFPA 72.

Exception: *Automatic sprinkler systems* protecting one- and two-family *dwellings*.

48. **Section 905.5 Location of Class II standpipe hose connections.** All Class II standpipe hose connections shall be provided with Class I standpipe hose connections. All standpipe hose connections shall be accessible and shall be located so that all portions of the building are within 30 feet (9133 mm) of a nozzle attached to 100 feet (30480 mm) of hose.

49. **Section 905.5.3 Class II system 1-inch hose.** Delete in its entirety.
50. **Section 905.6 Location of Class III standpipe hose connections.** Class III standpipe systems shall have hose connections located as required for Class I standpipes in Section 905.4 and Class I hose as required in Section 905.3.4.1.
51. **Section 906.1 Where required.** 1. Delete **Exception** in its entirety.
52. **Section 907.2.1 Group A.** Delete **Exception** in its entirety.
53. **Section 907.2.2 Group B.** Delete **Exception** in its entirety.
54. **Section 907.2.2.1 Ambulatory care facilities.** Delete **Exception** in its entirety.
55. **Section 907.2.3 Group E.** Delete **Exceptions** in their entirety.
56. **Section 907.2.4 Group F.** Delete **Exception** in its entirety.
57. **Section 907.2.7 Group M.** Delete **Exception 2** in its entirety.
58. **Section 907.2.8.1 Manual fire alarm system.** Delete **Exception 2** in its entirety.
59. **Section 907.2.8.2 Automatic smoke detection system.** Delete **Exception** in its entirety.
60. **Section 907.2.9.1 Manual fire alarm system.** Delete **Exception 2** in its entirety; then renumber **Exception 3** as **Exception 2**.
61. **Section 907.2.10.1 Manual fire alarm system.** Delete **Exception 2** in its entirety; then renumber **Exception 3** as **Exception 2**.
62. **Section 907.6.5.1 Automatic telephone-dialing devices.** Automatic telephone-dialing devices used to transmit an emergency alarm to the fire department, police department, or the 9-1-1 dispatch center are expressly prohibited.
63. Add: **Section 912.1.1 Requirements.** All fire department connections shall be equipped with a single five-inch diameter Storz fitting with a thirty degree (30°) downward elbow and equipped with a protective cap and chain. The piping from the Storz fitting to the main fire sprinkler riser shall be adequately sized to supply the hydraulically designed flow demands of the fire sprinkler system at an inlet pressure of one hundred pounds per square inch (100 psi) or less. The minimum pipe size associated with all fire department connections shall be equal to the diameter of the largest fire sprinkler riser in multiple-fire sprinkler riser assemblies or four inches, whichever is larger.
- Exception:** Any single-family dwelling is not required to be equipped with a fire department connection.
64. Add: **Section 912.1.2 Exterior fire department connection visual indicator.** When a fire sprinkler system is required to have a fire department connection in accordance with Section 912.1.1, a visual indicator shall be installed directly above the fire department connection in a location approved by the Wheeling Fire Prevention Bureau. In those cases where architectural design visually obscures the visual indicator from being seen from the primary roadway in front of the building and/or structure that is protected by the fire sprinkler system, the fire department shall determine an alternate location for placement of the visual indicator on the front of the building and/or structure. The visual indicator shall

be activated as a result of water flow through the fire sprinkler system and activation of the fire sprinkler system monitoring system.

65. **Section 912.5 Backflow protection.** The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the *Illinois State Plumbing Code* and the *International Plumbing Code*.

66. **Section 914.8.2 Fire Suppression.** Add:

Exceptions:

1. When a fixed base operator has separate repair facilities on site, Group II hangars operated by a fixed base operator used for storage of transient aircraft only shall have a fire suppression system, but the system shall be exempt from foam requirements.
2. Type III aircraft hangars.

67. **Section 914.2.1 Automatic sprinkler system.** **Exception:** Delete in its entirety.

68. **Section 1006.3 Emergency power for illumination.** Add:

6. Interior rooms with an occupancy of 20 or more.
7. Any interior room with a travel distance more than 25 feet (7620 mm) from the most remote corner to the nearest exit of the room.

69. **Section 1007.2.1 Elevators required.** In buildings where a required *accessible* floor is three or more stories above or below a *level of exit* discharge, at least one required *accessible means of egress* shall be an elevator complying with Section 1007.4. Exceptions remain the same.

70. Add: **Section 1103.5 Sprinkler systems.** An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.3.

71. Add: **Section 1103.5.3 Groups A, B, E, F, H, I, M, R, and S.** An *automatic sprinkler system* shall be provided throughout all Group A, B, E, F, H, I, M, R, and S fire areas when the hazard category or occupancy load is increased.

Exception: One- and two-family dwellings.

72. **Section 2306.2.3 Above-ground tanks located outside, above grade.**

1. Delete last sentence of paragraph: "Tanks in above-grade vaults shall also comply with Table 2306.2.3."

2. Delete last sentence of paragraph: "Tanks in above-grade vaults shall also comply with Table 2306.2.3."

3. Tanks containing fuels shall not exceed 2,000 gallons (7,570 L) in individual capacity or 2,000 gallons (7,570 L) in aggregate capacity in two tanks maximum per parcel. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 5 feet.

4. **Exception:** Above-ground tanks used to supply motor fuel exclusively for emergency standby generators where conditions preclude the installation of below-grade tanks as determined by the *fire code official*. These above-ground tanks shall be sited in

accordance with NFPA 30 and screened with non-combustible, 2-hour rated enclosure approved by the *fire code official* and *building code official*.

5. Delete last sentence of paragraph: "Tanks in above-grade vaults shall also comply with Table 2306.2.3."

73. **Table 2306.2.3 Minimum separation of requirements for above-ground tanks.** Delete in its entirety.

74. **Section 2306.2.4 Above-ground tanks located in above-grade vaults or below-grade vaults.** Delete last sentence of paragraph: "Tanks in above-grade vaults shall also comply with Table 2306.2.3."

75. **Section 5601.1.3 Fireworks. Exception:** The use of fireworks for fireworks displays as allowed in Section 5608.

76. **Section 5601.2.2 Sale and retail display.** No person shall construct a retail display nor offer for sale explosives, explosive materials upon highways, sidewalks, public property or in any occupancy use group.

Exception: Storage of smokeless propellant, black powder, and small arms primers for retail sale in Group M occupancies.

77. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see C.). Tanks containing motor fuels shall not exceed 2,000 gallons (7,570 L) in individual capacity or 2,000 gallons (7,570 L) in aggregate capacity in two tanks maximum per parcel. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 5 feet.

Exception: Above-ground tanks used to supply motor fuel exclusively for emergency standby generators where conditions preclude the installation of below-grade tanks as determined by the *fire code official*. These above-ground tanks shall be sited in accordance with NFPA 30 and screened with non-combustible, 2-hour rated enclosure approved by the *fire code official* and *building code official*.

78. **Section 5706.2.4 Permanent and temporary tanks.** The capacity of permanent above-ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4164 L). The capacity of temporary above ground-tanks containing motor fuels shall not exceed 2,000 gallons (7,570 L) in individual capacity or 2,000 gallons (7,570 L) in aggregate capacity in two tanks maximum per parcel.

Exception: Above-ground tanks used to supply motor fuel exclusively for emergency standby generators where conditions preclude the installation of below-grade tanks as determined by the *fire code official*. These above-ground tanks shall be sited in accordance with NFPA 30 and screened with non-combustible, 2-hour rated enclosure approved by the *fire code official* and *building code official*.

79. **Chapter 80 Referenced Standards.** Add: State of Illinois, Illinois State Plumbing Code, latest edition (currently 2004).

80. **Appendix C, Table C105.1, Average Spacing Between Hydrants^{a,b,c} (feet):** Change: "500" to "300", "450" to "300", "400" to "300", and "350" to "300".

81. **Appendix C, Table C105.1, Maximum Distance from Any Point on Street or Road Frontage to a Hydrant^d (feet):** Change: "250" to "150", "225" to "150", "210" to "150", and "180" to "150".

C. That the geographic limits referred to in certain sections of the *International Fire Code*, 2012 edition, are hereby established as follow:

1. **Section 5504.3 Outdoor storage.** Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited in all zoning districts except I-2 and I-3. In I-2 and I-3 zoning districts outdoor storage of containers shall be in accordance with Sections 5504.3.1 through 5504.3.1.2.3.
2. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except I-2 and I-3.
3. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning districts except I-2 and I-3.
4. **Section 6104.2 Maximum capacity within established limits.** Within all zoning districts except I-2 and I-3 the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Exception remains the same.

CHAPTER 14.02 WOOD TRUSS ROOF WARNING SIGNS

14.02.010 Definitions.

A. For the purposes of this Chapter, the following terms, phrases, words and their deviations shall have the meanings given herein:

1. "Sign" means a nine inches (minimum) by three inches (minimum) piece of aluminum or stainless steel stock plate, one-eighth inch thick (minimum), covered with red 3M diamond grade reflective film or equivalent. Located at the center of the sign is a white 3M diamond grade or equivalent reflective letter "T" which is three inches (minimum) in height.
2. "Property owner" means any person, firm or corporation having a legal ownership interest in the property.
3. "Wooden truss roof" means a wooden roof structure consisting of a group of triangles arranged in a single plane in such a manner that loads applied at the points of the intersections of the structural members will cause only direct stresses, tension or compression, within the structural members. Wooden truss roofs may include, but are not limited to the following general types of construction: bowstring, warren, sawtooth, "k" truss, scissors, cambered fink, hammerbeam, pratt, fink, and inverted queen post.

14.02.020 Required signage.

The owner of any commercial or industrial structure which has a wooden truss roof assembly shall be required to mount warning signs meeting the following minimum requirements:

A. **Size and Construction.** Each sign required to be installed in accordance with this Chapter shall be of the size and construction defined within Section 14.02.01(a)(1).

B. **Mounting Locations and Height from Finished Grade.** A sign shall be mounted directly to the right of each series of entrance doors (front, rear and sides of the building or structure) at a height of five feet up from finished grade. Additional signs may be required by the fire chief, when the distance between entrance doors or the length of a series of entrance doors would require additional warning signs for visibility by fire department personnel.

14.02.030 Property owner responsibility.

It shall be the responsibility of each property owner to mount, maintain and prevent obstruction of any warning signs required to be mounted on the building or structure.

14.02.040 Penalty for violation.

Any person, firm or corporation violating the provisions of this Chapter shall be subject to a fine as provided in Title 1; Chapter 1.04, Section 1.04.035 of the Wheeling Village Code.

CHAPTER 14.03 EXPLOSIVES AND FIREWORKS

14.03.010 Definitions.

A. **Fireworks Defined.** The term "fireworks" shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same and contain explosive compounds, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; provided, however, that the term "fireworks" shall not include trick noisemakers known as "party poppers," "booby traps," and "snappers," toy pistols, toy canes, toy guns, or other devices in which papers or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

B. **Explosives Defined.** The term "explosive" shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion with a substantial instantaneous release of gas and heat. Included in this definition is all materials classified as Class "A" explosives, class "B" explosives, Class "C" explosives and blasting agents per 49 CFR Department of Transportation Rules and Regulations.

14.03.020 Sale, use, or explosion of fireworks prohibited—Public displays—Permits.

A. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks. Supervised public displays of fireworks by charitable and fraternal organizations, by religious organization, by bonafide social organizations, and by public

bodies shall be allowed upon issuance of a permit by and at the sole discretion of the Wheeling fire chief. Every such display shall be handled by a competent individual approved by the fire department and shall be of such a character and so located, discharged or fired, as not to be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen days in advance of the date of the display. After such permit shall have been granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

B. Such permit shall be issued only after inspection of the display site by the fire department, to determine that such display shall not be hazardous to property or endanger any person or persons. Forms for such application and permit may be obtained from the fire department. One copy of such permit shall be maintained on file with the fire department, and one copy shall be forwarded to the office of the State Fire Marshal.

C. Any public display of fireworks shall be regulated by such members of the Wheeling fire department as shall be designated by the fire chief.

14.03.030 Bond required.

A. The village of Wheeling shall require a bond from the permittee in a sum not less than five thousand dollars conditioned on compliance with the provisions of the ordinances of the village of Wheeling and the regulations of the State Fire Marshal.

B. Such bond shall, by its terms:

1. Insure payment to the village for any damage to village property resulting from said display;
2. Insure the cleaning of the premises in the immediate surrounding area of the display launch site;
3. Insure payment of any fines levied against the permittee for violation of this or any other section or state law, while conducting said display within the village;
4. Such bond may be waived by the president and board of trustees when, in its reasonable judgment, the conditions of or reason for requiring such bond has been satisfactorily met;
5. The permittee shall be promptly notified of any claims made or contemplated against such bond and shall have the right to appeal such claim or the amount thereof, to the village board. The decision of the president and village board shall be final.

C. Nothing contained in this section shall be construed to mean that the permittee is absolved from liability for sums in excess of five thousand dollars.

14.03.040 Insurance required by permittee.

A certificate of liability insurance shall be provided by the permittee that includes the village of Wheeling and its agents as an additionally insured. Coverage of said insurance shall be for the following minimum limits:

1. One million dollars per person;
2. One million dollars per incident;

3. One million dollars for property damage.

14.03.050 Fireworks and explosives manufacturing and processing--Prohibited.

It is unlawful to manufacture or process any fireworks or explosives within the Village of Wheeling.

14.03.060 Explosives.

Explosives shall be stored within the village of Wheeling only in accordance with the rules and regulations of the office of the State Fire Marshal and the International Fire Code, specifically **Chapter 56 Explosives and Fireworks** with its referenced standard NFPA 495, currently adopted by the Village of Wheeling.

14.03.070 Nitroglycerine—TNT.

It shall be unlawful to keep or store any nitroglycerine; stabilized or unstabilized, or the explosive commonly known as TNT within the village in any quantities, except for medicinal or laboratory purposes. For said purposes, no more than one half of a kilogram shall be stored in any one building or structure.

14.03.080 Penalty for violation.

Any person, firm, or corporation violating the provisions of this Chapter shall be subject to a fine of not less than fifty dollars nor more than five hundred dollars. Each day that said violation is permitted to exist shall constitute a separate offense.

CHAPTER 14.04 PUBLIC EDUCATION FEES

14.04.010 Definitions.

A. For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

1. **AED.** An abbreviation for the term "automatic electronic defibrillator".
2. **Class fee.** A flat rate amount charged for a scheduled class conducted by the fire department. Said fee shall include the use of any necessary equipment, associated handouts and student manuals, as well as providing instructors for the class.
3. **CPR.** An abbreviation for the term "cardiopulmonary resuscitation". Said training shall include the use of automatic electronic defibrillators (AED's), as well as other related emergency medical skills, as required by the American Heart Association, the American Red Cross, or the St. Francis Emergency Medical System for student certification.
4. **Non-resident.** An individual whose legal mailing address is not within the corporate boundaries of the village of Wheeling.
5. **Recertification.** Retraining of individuals who currently have valid certification in CPR from the American Heart Association, the American Red Cross, or the St. Francis Emergency Medical System.
6. **Resident.** An individual whose legal mailing address is within the corporate boundaries of the village of Wheeling.
7. **Student fee.** An amount charged to each student participating in a scheduled class conducted by the fire department. Said fee shall include the use of any

necessary equipment, associated handouts and student manuals, as well as providing instructors for the class.

14.04.020 CPR fee schedule.

A. For open enrollment CPR classes, fees shall be assessed as provided in the schedule of fees and charges set forth in Title 1, Chapter 1.26 of this code.

B. For classes scheduled at the request of a specific organization, corporation, or group, fees shall be assessed as provided in the schedule of fees and charges set forth in Title 1, Chapter 1.26 of this code.

14.04.030 Industrial fire extinguisher training fee schedule.

All industrial fire extinguisher training classes scheduled at the request of an organization, corporation, or group, class fees shall be assessed as provided in the schedule of fees and charges set forth in Title 1, Chapter 1.26 of this code.

CHAPTER 14.05 HAZARDOUS MATERIALS INCIDENT REIMBURSEMENT

14.05.010 Definitions.

A. For the purposes of this Chapter, the following terms, phrases, words and their deviations shall have the meanings given herein:

1. "Hazardous materials" means any mixtures, solutions, or compounds which in normal use, when released from its container, when brought in contact with other materials or substances, or when exposed to temperature/pressure changes is capable of posing a risk, real or perceived, to the health and safety of humans, wildlife, and/or the environment, in addition to potential property damage.
2. "Third party" means any person, persons, company, corporation, or business entity specifically brought in to investigate or mitigate an incident. Such persons shall not be employees or officers of the village of Wheeling.
3. "Reimbursement fee" means the costs and expenses of the village of Wheeling for using and/or receiving of services from the village of Wheeling including, but, not limited to the fire department, the police department, the operations and maintenance department, etc.

14.05.020 Reimbursement responsibility.

The recipients, benefactors, administrators, personal representatives, executors, successors, heirs, or assigns thereof, as determined to be the recipients of emergency assistance and/or emergency services as a result of an incident involving known or potentially hazardous materials, shall be obligated to pay a fee in an amount sufficient to reimburse the village of Wheeling for any extraordinary expenses and/or supplies and equipment expended as a result of services or assistance provided. In addition, such fee shall include reimbursement to third parties for services rendered and/or supplies and equipment expended as a result of their involvement in the incident. Said fee to the village of Wheeling shall also include the cost of all related medical monitoring and/or medical treatment of any representative who, as a part of their association with the incident, may have or has come in contact with known or potentially hazardous materials.

14.05.030 Minimum reimbursement charge. All incidents involving hazardous materials shall be assessed a minimum reimbursement fee, as provided in the schedule of fees and charges set forth in Title 1, Chapter 1.26 of this code, for services rendered and/or for replacement of supplies and equipment.

CHAPTER 14.06 FEES FOR OUTSIDE CONSULTANTS

When it is determined by the code official and/or fire marshal that a fire detection, and/or fire suppression system requires a plan review by an independent professional, a base permit fee equal to the cost of the independent professional's services plus fifteen percent (15%) will be charged. Such fees must be paid in full, prior to the issuance of any permits.

SECTION B:

TITLE 15, BUILDINGS AND CONSTRUCTION

CHAPTER 15.01 CODES

15.01.010 Codes on file. Three (3) sets, containing each of the codes adopted of the International Codes and the National Electrical Code (NFPA 70), and three (3) copies of the Illinois State Plumbing Code and Illinois State Energy Code (ICC International Energy Conservation Code, 2012), shall be maintained on file in the office of the Village Clerk of the Village of Wheeling.

15.01.020 Adoption of the International Building Code, 2012 edition.

A. The *International Building Code*, 2012 edition, including Appendix Chapters C, E, F, G, H, I, and K, published by the International Code Council, Inc., be and is hereby adopted as the *Building Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Building Code* on file in the office of the Village of Wheeling, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.020.B., of this Ordinance.

(B)

1. **Section 101.1 Title.** These regulations shall be known as the *Building Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, hereinafter referred to as "this code."

2. **Section 101.4.3 Plumbing.** The provisions of the *International Plumbing Code* and the *Illinois State Plumbing Code*, latest edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

3. **Add: Section 101.4.7 Electrical.** The provisions of the *National Electrical Code* (NFPA 70), 2011 edition as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances.

4. **Section 103.2 Appointment. Delete in its entirety.**

5. **Section 103.3 Deputies.** Delete in its entirety.

6. **Section 105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Building:

1. Oil derricks.
2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
3. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Swings, playhouses, and other playground equipment accessory to detached one- and two-family *dwellings*.
8. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support of Group R-3 and U occupancies.
9. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

Rest of section remains the same.

7. **Section 109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.

8. **Section 109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fee.

In the event that any building is undertaken without compliance with the above-referenced fee schedule after 30 days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall be liable for a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) and 100 percent of the usual permit fee in addition to the required permit fee. Each day a violation continues shall be deemed a separate offense.

9. **Section 109.6 Refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 90 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

10. **Section 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, the Village Board of Trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the Village Board of Trustees. The *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *building official*.

11. **Section 113.3 Qualifications.** Delete in its entirety.

12. **Section 114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day a violation continues shall be deemed a separate offense.

Section 114.4.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

13. **Section 115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day that unauthorized work continues shall be deemed a separate offense.

Section 115.3.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs fees for the proceedings.

14. Add: **Section 116.1.1 Damage and Destruction.** If a building or other structure is damaged or destroyed by any means to the extent of 50 percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt

thereafter only for a conforming use and in compliance with the provisions of this code. In the event the damage or destruction is less than 50 percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

In either event, restoration or repair of the building or other structure must be started within a period of 6 months from the date of damage or destruction, and diligently completed within a period not to exceed 18 months.

15. **Section 202 General Definitions.** Change only the following definition:

[B] HIGH-RISE BUILDING. A building with an occupied floor located more than 50 feet (15,240 mm) above the lowest level of fire department vehicle access.

16. **Section 403.3 Automatic sprinkler system. Exception:** Telecommunications equipment buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic fire detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

17. **Section 412.4.6 Exceptions:**

- a. When a fixed base operator has separate repair facilities on site, Group II hangars operated by a fixed base operator used for storage of transient aircraft only shall have a fire suppression system, but the system shall be exempt from foam requirements.
- b. Type III aircraft hangars

18. **Section 501.2 Address identification.** New and existing buildings shall be provided with *approved* address numbers. Address numbers shall be Arabic numeral and letters required for suite designation or street names shall be non-script alphabet letters. Each character shall not be less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7 mm) in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When required by the fire code official, address numbers shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the *public way*, a monument, pole or other *approved* sign or means shall be used to identify the structure. Address numbers shall be maintained.

19. **Table 503 Allowable Building Heights and Areas^{a, b}**, delete TYPE V, A and B, for R-1, R-2, R-3, and R-4.

20. **Section 507.2 Nonsprinklered, one story.** Delete in its entirety.

21. **Table 508.4 Required Separation of Occupancies (Hours), H-2, S.** Change: "3" to "2".

22. **Table 508.4 Required Separation of Occupancies (Hours), H-2, NS.** Change: "4" to "2" and "3" to "2".

23. **Table 508.4 Required Separation of Occupancies (Hours), H-3, H-4, NS.** Change: "3" to "2".

24. **Section 708.3 Fire-resistance rating.** Delete **Exception 2** in its entirety.

25. **Section 903.2 Where required.** Change **Exception** only, to read:

Exceptions:

a. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 708 of the *International Building Code* or not less than 2-hour horizontal assemblies constructed in accordance with Section 711 of the *International Building Code*, or both.

b. Public facilities used as picnic shelters, restrooms, and similar used, provided the floor area is not greater than 400 square feet (37.16 m²) and no fossil fuel heating appliances are used.

26. **Section 903.2.1.1 Group A-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-1 occupancies.

27. **Section 903.2.1.2 Group A-2.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-2 occupancies.

28. **Section 903.2.1.3 Group A-3.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-3 occupancies.

29. **Section 903.2.1.4 Group A-4.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-4 occupancies.

30. **Section 903.2.1.5 Group A-5.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group A-5 occupancies.

31. **Section 903.2.2 Group B.** An automatic sprinkler system shall be provided throughout all buildings containing Group B occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

32. **Section 903.2.2.1 Ambulatory care facilities.** An automatic sprinkler system shall be installed throughout all buildings containing ambulatory care facilities.

33. **Section 903.2.3 Group E.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group E occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

34. **Section 903.2.4 Group F.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group F occupancies.

Exception: One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

35. **Section 903.2.6 Exceptions** delete in their entirety 3. and 4. then add:

3. One-story detached accessory structures used as tool or storage sheds, playhouses, and similar uses, provided the floor area is not greater than 225 square feet (20.9 m²) and no hazardous materials are stored.

36. **Section 903.2.7 Group M.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group M occupancies. *Note:* No change to **Section 903.2.7.1 High-piled storage.**

37. **Section 903.2.9 Group S.** An *automatic sprinkler system* shall be provided throughout all buildings containing Group S occupancies.

38. **Section 903.2.9.1 Repair Garages.** An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*.

39. **Section 903.2.9.2 Bulk storage of tires.** Buildings and structures where there is an area for the storage of tires shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

40. **Section 903.2.10 Group S-2 enclosed parking garages.** An *automatic sprinkler system* shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the *International Building Code*.

41. **Section 903.2.10.1 Commercial parking garages.** An *automatic sprinkler system* shall be provided throughout buildings used for storage of commercial trucks or buses.

42. **Section 903.2.11 Specific buildings areas and hazards.** In all occupancies other than Group U, an *automatic sprinkler system* shall be installed. Group U buildings, such as agricultural buildings, barns, and stables, shall have an automatic sprinkler system.

43. **Section 903.2.11.1 Stories without openings.** Delete in its entirety, including Sections 903.2.11.1.1, 903.11.1.2, and 903.2.11.1.3; then renumber rest of section beginning with 903.2.11.1 Rubbish and linen chutes.

44. **Section 903.2.11.2 (previously 903.2.11.3) Buildings 50 feet or more in height.** Change **Exception** only to read: **Exception:** Airport control towers.

45. **Section 903.3.6 Hose threads.** Fire hose threads and fittings used in connection with *automatic sprinkler systems* shall be equipped with National Standard Thread (NST).

46. **Section 903.4 Sprinkler system supervision and alarms. Exceptions:**

- a. *Automatic sprinkler systems* protecting one- and two-family dwellings.
- b. Limited area systems serving fewer than 20 sprinklers.
- c. Jockey pump control valves that are sealed or locked in the open position.

47. **Section 904.3.5 Monitoring.** All automatic fire-extinguishing systems, including all system isolation valves, in every use group, shall be monitored with an approved fire alarm system with supervision in accordance with NFPA 72.

Exception: *Automatic sprinkler systems* protecting one- and two-family *dwellings*.

48. **Section 905.5 Location of Class II standpipe hose connections.** All Class II standpipe hose connections shall be provided with Class I standpipe hose connections. All standpipe hose connections shall be accessible and shall be located so that all portions of the building are within 30 feet (9133mm) of a nozzle attached to 100 feet (30480 mm) of hose.

49. **Section 905.5.3 Class II system 1-inch hose.** Delete in its entirety.

50. **Section 905.6 Location of Class III standpipe hose connections.** Class III standpipe systems shall have hose connections located as required for Class I standpipes in Section 905.4 and Class I hose as required in Section 905.3.4.1.

51. **Section 906.1 Where required.** 1. Delete **Exception** in its entirety.

52. **Section 907.2.1 Group A.** Delete **Exception** in its entirety.

53. **Section 907.2.2 Group B.** Delete **Exception** in its entirety.

54. **Section 907.2.2.1 Ambulatory care facilities.** Delete **Exception** in its entirety.

55. **Section 907.2.3 Group E.** Delete **Exceptions** in their entirety.

56. **Section 907.2.4 Group F.** Delete **Exception** in its entirety.

57. **Section 907.2.7 Group M.** Delete **Exception 2** in its entirety.

58. **Section 907.2.8.1 Manual fire alarm system.** Delete **Exception 2** in its entirety.

59. **Section 907.2.8.2 Automatic smoke detection system.** Delete **Exception** in its entirety.

60. **Section 907.2.9.1 Manual fire alarm system.** Delete **Exception 2** in its entirety; then renumber **Exception 3** as **Exception 2**.

61. **Section 907.2.10.1 Manual fire alarm system.** Delete **Exception 2** in its entirety; then renumber **Exception 3** as **Exception 2**.

62. **Section 907.6.5.1 Automatic telephone-dialing devices.** Automatic telephone-dialing devices used to transmit an emergency alarm to the fire department, police department, or the 9-1-1 dispatch center are expressly prohibited.

63. **Section 914.1.2 Interior access to shaftways.** **Exception:** Delete in its entirety.

64. **Section 1006.3 Emergency power for illumination.** Add:

6. Interior rooms with an occupancy of 20 or more.

7. Any interior room with a travel distance more than 25 feet (7620 mm) from the most remote corner to the nearest exit of the room.

65. **Section 1007.2.1 Elevators required.** In buildings where a required *accessible* floor is three or more stories above or below a *level of exit* discharge, at least one required *accessible means of egress* shall be an elevator complying with Section 1007.4. Exceptions remain the same.

66.

Table 1018.1
Corridor Fire-Resistance Rating

| OCCUPANCY | OCCUPANT LOAD SERVED BY CORRIDOR | REQUIRED FIRE-RESISTANCE RATING (hours) | |
|------------------------|--|---|-----------------------|
| | | Without sprinkler system | With sprinkler system |
| H-1, H-2, H-3 | All | | |
| H-4, H-5 | Greater than 30 | Not Permitted | 1 |
| A, B, E, F, M, S, U | Greater than 30 | Not Permitted | 1 |
| R | Greater than 10 | 1 | 1 |
| I-2 ^a , I-4 | All | Not Permitted | 1 |
| I-1, I-3 | All | Not Permitted | 1 |

67.

Table 1021.2(1)
Stories with One Exit or Access to One Exit for R-2 Occupancies

| STORY | OCCUPANCY | MAXIMUM NUMBER OF DWELLING UNITS | MAXIMUM EXIT ACCESS TRAVEL DISTANCE |
|--|-----------|-------------------------------------|--|
| Basement, first, second or third story | NP | NA | NA |
| Fourth story and above | NP | NA | NA |

68.

Table 1021.2(2)
Stories with One Exit or Access to One Exit for Other Occupancies

| STORY | OCCUPANCY | MAXIMUM OCCUPANTS PER STORY | MAXIMUM EXIT ACCESS TRAVEL DISTANCE |
|-------------------------|--|--------------------------------|--|
| First story or basement | A, B ^b , E, F ^b , M, U, S ^b | 49 occupants | 75 feet |
| | H-2, H-3 | 3 occupants | 25 feet |
| | H-4, H-5, I, R-1, R-2 ^{a,c} , R-4 | 10 occupants | 75 feet |
| | S | 29 occupants | 100 feet |
| Second story | NP | NA | NA |
| Third story and above | NP | NA | NA |

Footnotes remain the same.

69. **Section 1209.1 Crawl spaces.** Crawl spaces shall be provided with no fewer a minimum of one access opening not less than 22 inches by 30 inches (558 mm by 762 mm).

70. **Section 1209.2 Attic spaces.** An opening not less than 22 inches by 30 inches (558 mm by 762 mm) shall be provided to any *attic* area having a clear height of over 30 inches (762 mm). A 30-inch (762 mm) minimum clear headroom in the *attic* space shall be provided at or above the access opening.

71. **Section 1507.8 Wood shingles.** Delete in its entirety.

72. **Section 1507.9 Wood shakes.** Delete in its entirety.

73. **Section 1612.3 Establishment of flood hazard areas.** To establish *flood hazard areas*, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in engineering reports entitled: "The Flood Insurance Study for Incorporated and

Unincorporated Cook County,” published August 19, 2008, and as amended or revised with the accompanying Flood Insurance Rate Maps (FIRM) 1701730064J, 1701730068J, 1701730069J, 1701730202J, 1701730206J, and 1701730207J, and “The Flood Insurance Study for Incorporated and Unincorporated Lake County,” published November 6, 2000, and as amended or revised with the accompanying FIRM 170970264G; and, Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

74. Section 2901.1 Scope. The provisions of this chapter and the *Illinois State Plumbing Code*, latest edition, and the *International Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the *Illinois State Plumbing Code* and the *International Plumbing Code*, whichever is stricter.

75. Section 3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are provided in buildings three or more stories above, or three or more stories below, grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoistway door frame.

76. Add: Section 3002.9 Hoistway door unlocking. Hoistway door unlocking devices shall be provided on every floor.

77. Section 3412.2 Applicability. Structures existing prior to January 1, 2013, in which there is work involving *additions*, *alterations*, or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

78. Chapter 35 References Standards. Add: **State of Illinois.** *Illinois State Plumbing Code*, 2004, or latest edition.

15.01.030 Adoption of the National Electrical Code, 2011 edition.

A. The *National Electrical Code 2011* (NFPA 70), three copies of which are on file in the office of the Wheeling Village Clerk, published by the National Fire Protection Association, is hereby adopted as the *Electrical Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the Village of Wheeling, and providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such *National Electrical Code 2011* (NFPA 70), on file in the office of the Village of Wheeling, is

hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.030.B., of this Ordinance.

B. The following sections of the *National Electrical Code*, 2011 edition, are hereby revised, amended, or added in words and figures as follow:

1. **Article 225.10 Wiring on Buildings.** The installation of outside wiring on surfaces of buildings shall be permitted for circuits of not over 600 volts, nominal, as Type UF cable, as Type MI cable, in rigid metal conduit, in intermediate metal conduit, in rigid polyvinyl chloride (PVC) conduit, in reinforced thermosetting resin conduit (RTRC), in cable trays, as cablebus, in wireways, in auxiliary gutters, in electrical metallic tubing, in flexible metal conduit, in liquidtight flexible metal conduit, and in busways. Circuits of over 600 volts, nominal, shall be installed as provided in 300.37.
2. **Article 230.43 Wiring Methods for 600 Volts, Nominal, or Less.** Service-entrance conductors shall be installed in accordance with the applicable requirements of this *Code* covering the type of wiring method used and shall be limited to the following methods:
 - (1) Rigid metal conduit
 - (2) Intermediate metal conduit
 - (3) Wireways
 - (4) Busways
 - (5) Auxiliary gutters
 - (6) Rigid polyvinyl chloride conduit (PVC)
 - (7) Cablebus
 - (8) Mineral-insulated, metal-sheathed cable
 - (9) High density polyethylene conduit (HDPE)
 - (10) Nonmetallic underground conduit with conductors (NUCC)
 - (11) Reinforced thermosetting resin conduit (RTRC)
3. **Section 230.82 Equipment Connected to the Supply Side of Service Disconnect.** (5) Taps used only to supply load management devices, circuits for standby power systems, and fire and sprinkler alarms, if provided with service equipment and installed in accordance with requirements for service-entrance conductors.
4. **Article 230.91 Location.** The service overcurrent device shall be an integral part of the service disconnecting means or shall be located immediately adjacent thereto with a maximum distance of 5 feet.
5. **Article 310.15 (B)(7) 120/240-Volt, 3-Wire, Single-Phase Dwelling Service and Feeders and Table 310.15(B)(7).** Delete section and table in their entirety.
6. **Article 320 Armored Cable: Type AC.** Delete in its entirety.
7. **Article 322 Flat Cable Assemblies: Type FC.** Delete in its entirety.

8. **Article 324 Flat Conductor Cable: Type FCC.** Delete in its entirety.
9. **Article 326 Integrated Gas Spacer Cable: Type IGS.** Delete in its entirety.
10. **Article 330 Metal-Clad Cable: Type MC.** Delete in its entirety.
11. **Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS.** Delete in its entirety.
12. **Article 336 Power and Control Tray Cable: Type TC.** Delete in its entirety.
13. **Article 338 Service-Entrance Cable: Types SE and USE.** Delete in its entirety.
14. **Article 340 Underground Feeder and Branch-Circuit Cable: Type UF.** Delete in its entirety.
15. **Article 348.12 Uses Not Permitted.** Add: (8) Lengths over 1.8 m (6 ft.).
16. **Article 352 Rigid Polyvinyl Chloride Conduit: Type PVC. 10.A.** Change as follows: Under concrete: For installation under concrete it shall transition to metal pipe before it turns up to extend above grade.
17. **Article 356 Liquidtight Flexible Nonmetallic Conduit: Type LFNC.** Delete in its entirety.
18. **Article 362 Electrical Nonmetallic Tubing: Type ENT.** Delete in its entirety.
19. **Article 378.12 (6)** Add: For voltages over 50 volts between conductors.
20. **Article 382 Nonmetallic Extensions.** Delete in its entirety.
21. **Article 388.10 Uses Permitted. (1)** The use of surface nonmetallic raceway shall be permitted in dry locations where the voltage is 50 volts or less between conductors.
22. **Article 388.12 Uses Not Permitted. (3)** Where the voltage is 50 volts or more between conductors.
23. **Article 394 Concealed Knob-and-Tube Wiring.** Delete in its entirety.
24. **Article 396 Messenger-Supported Wiring.** Delete in its entirety.
25. **Article 398 Open Wiring on Insulators.** Delete in its entirety.
26. **Article 408.3 Support and Arrangement of Busbars and Conductors. (A)(1) Location.** Conductors and busbars shall be located so as to be free from physical damage and shall be held firmly in place. All switchboards, panel boards and related equipment that is supported by or touches the floor must be installed on a minimum 3 inch high concrete housekeeping pad.
27. **Article 450.3 Overcurrent Protection.** *Add at the end of the first paragraph the following:* All transformers rated 150 volts to ground and above shall have a primary and secondary load break disconnect within sight of the transformer and not more than 50 feet from the transformer.
28. **Article 550.10 Power Supply. (A) Feeder.** The power supply to the mobile home shall be a minimum 50-ampere, permanently installed feeder.
29. **Article 550.10 (B) Power-Supply Cord.** Delete in its entirety.

30. **Article 550.10 (C) Attachment Plug Cap.** Delete in its entirety.
31. **Article 550.10 (D) Overall Length of a Power-Supply Cord.** Delete in its entirety.
32. **Article 550.33 (A) Feeder Conductors.** Feeder conductors shall comply with the following:
- (1) Feeder conductors shall consist of a permanently installed feeder consisting of four insulated, color-coded conductors that shall be identified by the factory or field making of the conductors in compliance with 310.110. Equipment grounding conductors shall not be identified by stripping the insulation.
 - (2) No change.
33. **Article 600.9 Location. (B) Pedestrians.** Neon tubing, other than dry-location portable signs, readily accessible to pedestrians shall be protected from physical damage. Field-installed tubing located less than 8 feet above the adjacent floor level must have an enclosure to protect all wiring, splices and tubing from damage or access by unqualified persons.
34. **Add Article 600.43 Required Inspections.** No sign may be energized until the final Village inspection has been approved.
35. **Article 604.4 Use permitted. Exception No. 1.** Delete in its entirety.
36. **Article 604.5 Not permitted.** Manufactured wiring systems types shall not be permitted where limited by the applicable article in Chapter 3 for the wiring method used in its construction and shall not be used for the supply of any electrical use other than lighting circuits.
37. **Article 604.6 Construction (A) Cable or Conduit Types. (3) Flexible Cord.** Delete in its entirety.
38. **Article 605.4 Partition Interconnections.** The electrical connection between partitions shall be a flexible assembly identified for use with wired partitions.
39. **Article 605.8. Freestanding-type Partitions, Cord-and-Plug-Connected.** Delete in its entirety.
40. **Article 680.41 Emergency Switch for Spas and Hot Tubs.** A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft.) away, adjacent to, and within sight of the spa or hot tub.
41. **Article 695.3 Power Source(s) for Electric Motor-Driven Fire Pumps. (A) Individual Sources (1) Electric Utility Service Connection.** A fire pump shall be supplied by a separate service. The connection shall be located and arranged so as to minimize the possibility of damage by fire from within the premises and from exposing hazards
42. **Article 760.3(A) Spread of Fire or Products of Combustion.** See 300.21. Where fire alarm cables are installed in inaccessible locations, they shall be

enclosed in electrical metallic tubing, rigid conduit, or intermediate metallic conduit.

15.01.040 Adoption of the International Mechanical Code, 2012 edition.

A. The *International Mechanical Code*, 2012 edition, including Appendix Chapter A, published by the International Code Council, Inc., three copies of which are on file with the Wheeling Village Clerk, is hereby adopted as the *Mechanical Code* of Village of Wheeling, Cook and Lake Counties, Illinois, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the Village of Wheeling, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Mechanical Code* on file in the office of the Village of Wheeling, are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.040.B., of this Ordinance.

B. The following sections of the *International Mechanical Code*, 2012 edition, are hereby revised, amended, or added in words and figures as follow:

1. **Section 101.1 Title.** These regulations shall be known as the *Mechanical Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, hereinafter referred to as "this code."
2. **Section 106.5.2 Fee schedule.** The fees for mechanical work shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.
3. **Section 106.5.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 75 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

4. **Section 108.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in Title 1, Chapter 4 of the Village of Wheeling Municipal Code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

5. **Section 108.5 Stop work orders.** *Change last sentence to read:* Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 4 of the Village of Wheeling Municipal Code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

Section 108.5.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

6. **Section 109.2 Membership of board.** The Village Board of Trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the Village Board of Trustees. The *code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.
7. **Section 109.2.1 Qualifications.** Delete in its entirety.
8. **Section 109.2.2 Alternate members.** Delete in its entirety.
9. **Section 109.2.3 Chairman.** Delete in its entirety.
10. **Section 109.2.4 Disqualification of member.** Delete in its entirety.
11. **Section 109.2.5 Secretary.** Delete in its entirety.
12. **Section 109.2.6 Compensation of members.** Delete in its entirety.

15.01.050 Adoption of the International Plumbing Code, 2012 edition, and Illinois State Plumbing Code, Latest Edition.

A. The *International Plumbing Code, 2012 edition*, including Appendix Chapters C, E, and F, as published by the International Code Council, Inc., and the *Illinois State Plumbing Code*, latest edition (currently 2004 edition), three copies of which are on file with the Wheeling Village Clerk, published by the Illinois Department of Public Health, are hereby adopted as the *Plumbing Codes* of the Village of Wheeling, Cook and Lake Counties, Illinois, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of said *International Plumbing Code, 2012 edition*, and the *Illinois State Plumbing Code*, latest edition, on file in the office of the Village of Wheeling, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance with the specific revisions otherwise noted in Section 15.01.050.B., of this Ordinance.

B. The following sections of the *International Plumbing Code, 2012 edition*, are hereby revised, amended, or added in words and figures as follow:

1. **Section 101.1 Title.** These regulations shall be known as the *International Plumbing Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, and shall be cited as such and will be referred to hereinafter to as "this code."
2. **Section 106.6.2 Fees.** The fees for all plumbing work shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.
3. **Section 106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 75 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

4. **Section 108.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

5. **Section 108.5 Stop work orders.** *The last sentence of this section shall be changed to read as follows:* "Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 1.04 of the Village of Wheeling Municipal Code. Each day unauthorized work continues after due notification shall be deemed a separate offense."

Section 108.5.1 Court costs: In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

6. **Section 109.2 Membership of board.** The Village Board of Trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the Village Board of Trustees. The *code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business,

and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

7. **Section 109.2.1 Qualifications.** Delete in its entirety.
8. **Section 109.2.2 Alternate members.** Delete in its entirety.
9. **Section 109.2.3 Chairman.** Delete in its entirety.
10. **Section 109.2.4 Disqualification of member.** Delete in its entirety.
11. **Section 109.2.5 Secretary.** Delete in its entirety.
12. **Section 109.2.6 Compensation of members.** Delete in its entirety.
13. **Section 305.4.1. Sewer depth.** Building sewers that connect to a private sewage disposal system shall installed not less than 42 inches (107 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 42 inches (107 mm) below grade.
14. **Section 903.1. Roof extension.** Open vent pipes that extend through a roof shall be terminated above the roof in accordance with the *Illinois State Plumbing Code*, latest edition, except that where a roof is used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.

15.01.060 Adoption of the International Fuel Gas Code, 2012 edition.

A. The *International Fuel Gas Code*, 2012 edition, published by the International Code Council, Inc., three copies of which are on file with the Wheeling Village Clerk, is hereby adopted as the *Fuel Gas Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Fuel Gas Code* on file in the office of the Village of Wheeling, are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.060.B., of this Ordinance.

B. The following sections of the *International Fuel Gas Code*, 2012 edition, are hereby revised, amended, or added in words and figures as follow.

1. **Section 101.1 Title.** These regulations shall be known as the *Fuel Gas Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, hereinafter referred to as "this code."
2. **Section 106.6.2 Fee Schedule.** The fees for work shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.
3. **Section 106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.
 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 2. Not more than 75 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

4. **Section 108.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

5. **Section 108.5 Stop work orders.** *Change last sentence of section to read as follows:* Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 4 of the Village of Wheeling Municipal Code. Each day work continues after due notice has been served shall be deemed a separate offense.

Section 108.5.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

6. **Section 109.2 Membership of board.** The Village Board of Trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the Village Board of Trustees. The *code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

7. **Section 109.2.1 Qualifications.** Delete in its entirety.
8. **Section 109.2.2 Alternate members.** Delete in its entirety.
9. **Section 109.2.3 Chairman.** Delete in its entirety.
10. **Section 109.2.4 Disqualification of member.** Delete in its entirety.
11. **Section 109.2.5 Secretary.** Delete in its entirety.
12. **Section 109.2.6 Compensation of members.** Delete in its entirety.

15.01.070 Adoption of the International Energy Conservation Code, 2012 edition.

A. The *International Energy Conservation Code*, 2012 edition, published by the International Code Council, Inc., three copies of which are on file with the Wheeling Village Clerk, is hereby adopted as the *Energy Conservation Code* of the Village of Wheeling for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting, and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said *International Energy Conservation Code* on file in the office of the Village of Wheeling are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.070.B., of this Ordinance.

B. The following section of the *International Energy Conservation Code*, 2012 edition, is hereby revised and amended in words and figures as follows:

1. **Section C101.1 Title.** This code shall be known as the *Energy Conservation Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."
2. **Section C107.2 Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.
3. **Section C107.5 Refunds.** The code official shall authorize the refunding of fees as follows.
 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 2. Not more than 75 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

4. **Section C108.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 4 of the Village of Wheeling Municipal Code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.
5. **Section R101.1 Title.** This code shall be known as the *Energy Conservation Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."
6. **Section R107.2 Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.

7. **Section R107.5 Refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 75 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

8. **Section R108.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 4 of the Village of Wheeling Municipal Code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

15.01.080 Adoption of the International Residential Code, 2012 edition.

A. The *International Residential Code*, 2012 edition, including Appendix Chapters A, B, C, D, E, F, G, H, J, K, M, N, O, and P, as published by the International Code Council, Inc., three copies of which are on file with the Wheeling Village Clerk, be and is hereby adopted as the *Residential Code* of the Village of Wheeling for regulating and governing the design, construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition, of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Residential Code* on file in the office of the Village of Wheeling are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.080.B., of this Ordinance.

B. The following sections of the *International Residential Code*, 2012 edition, are hereby revised, amended, or added in words and figures as follow:

1. **Section R101.1 Title.** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the Village of Wheeling, Cook and Lake Counties, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."
2. **Section R103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction; and the *building official* shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.
3. **Section R105.2 Work exempt from permit.**

Building: Delete numbers 1, 2, 3, and 10, then renumber to read:

1. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Prefabricated swimming pools that have a maximum water depth of 24 inches (610 mm).
4. Swings, playhouses, and other playground equipment.
5. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
6. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.

Rest of section remains the same.

4. **Section R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule established in Title 1, Chapter 1.26 of the Village of Wheeling Municipal Code.
5. **Section R108.5 Refunds.** The *building official* shall authorize the refunding of fees as follows.
 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 2. Not more than 75 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The *building official* shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

6. **Section R108.6 Work commencing before permit issuance.** Any person who commences any work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee(s) in addition to the required *permit* fee(s).

In the event that any building is undertaken without compliance with the above-referenced fee schedule after 30 days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) and 100 percent of the usual permit fee in addition

to the required permit fee. Each day a violation continues shall be deemed a separate offense.

7. **Section R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, the Village Board of Trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the Village Board of Trustees. The *code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *building official*.
8. **Section R112.3 Qualifications.** Delete in its entirety.
9. **Section R113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section R113.4.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

10. **Section R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in Title 1, Chapter 1.04, Section 1.04.035 of the Village of Wheeling Municipal Code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

Section R114.2.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

11. **Table R301.2(1)** Insert the following data into table:

For Ground Snow Load: 30

For Wind Design:

a. Speed (mph): 90

b. Topographic effects: No

For Seismic Design Category: A

For Weathering: Severe

For Frost Line Depth: 42 inches

For Termite: Moderate to Heavy

For Winter Design Temperature: -4° F

For Ice Barrier Underlayment Required: Yes

For Flood Hazards:

- a. 2007
- b. Date of the currently effective FIRM and FBFM: August 19, 2008, (Cook County) and November 6, 2000, (Lake County) or as revised to the latest published edition.
- c. Panel Numbers for Cook County: 1701730064J, 1701730068J, 1701730069J, 1701730202J, 1701730206J, and 1701730207J; and for Lake County: 170970264G

For Air Freezing Index: 2000

For Mean Annual Temperature: 45° F

12.

Table R302.1(1)
Exterior Walls

| EXTERIOR WALL ELEMENT | | MINIMUM FIRE-RESISTANCE RATING | MINIMUM FIRE SEPARATION DISTANCE |
|-----------------------|--------------------------|---|----------------------------------|
| Walls | Fire-resistance rated | 1-hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides | <5 feet |
| | Not fire-resistance | 0 hours | ≥ 5 feet |
| Projections | Fire-resistance rated | 1 hour on the underside | ≥2 feet to < 5 feet |
| | Not fire-resistance | 0 hours | ≥5 feet |
| Openings in walls | Not allowed | N/A | < 5 feet |
| | 25% maximum of wall area | 0 hours | 5 feet |
| | Unlimited | 0 hours | 5 feet |
| Penetrations | All | Comply with Section R302.4 | < 5 feet |
| | | None required | 5 feet |

13. **Section R302.2 Townhouses.** Delete **Exception** in its entirety.

14. **Section R302.3 Two-family dwellings.** *Dwelling units* in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 2-hour fire-resistance rating when tested in accordance with ASTM E 119 or UL 263. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the *exterior wall*, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

15. **Section R302.3 Two-family dwellings.** Delete **Exceptions** in their entirety.

16.

Table R302.6
Dwelling/Garage Separation

| SEPARATION | MINIMUM FIRE-RESISTANCE RATING |
|---|--------------------------------|
| From the residence and attics | 2 hours |
| From all habitable rooms above the garage | 2 hours |
| Structure(s) supporting floor/ceiling assemblies used for separation required by this section | 2 hours |

| | |
|---|--------|
| Garages located less than 3 feet from a dwelling unit on the same lot | 1 hour |
|---|--------|

17. **Section R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with a 1½ hour fire-rated door, equipped with a self-closing device.
18. **Section R310.1 Emergency Escape and rescue required.** Delete Exception in its entirety.
19. **Section R311.2 Egress door.** At least two egress doors as remote as possible from each other shall be provided for each *dwelling unit*. The egress doors shall be side-hinged, and shall provide a minimum clear width of 32 inches (813 mm) when measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). The minimum clear height of the door opening shall not be less than 78 inches (1981 mm) in height measured from the top of the threshold to the bottom of the stop. Other doors shall not be required to comply with these minimum dimensions. Egress doors shall be readily openable from inside the dwelling without the use of a key or special knowledge or effort.
20. **Section R311.7.8 Handrails.** Handrails shall be provided on at least one side of each continuous run of treads or flight with three or more risers.
21. **Section R319.1 Address numbers.** Buildings shall have *approved* address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numeral and letters required for suite designation or street names shall be non-script alphabet letters. Numbers and letters shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
22. **Section R408.4 Access.** Access shall be provided to all under-floor space. Access openings through the floor shall be a minimum of 24 inches by 24 inches (610 mm by 610 mm). Openings through a perimeter wall shall be not less than 24 inches by 24 inches (610 mm by 610 mm). When any portion of the through-wall access is below *grade*, an areaway not less than 24 inches by 24 inches (610 mm by 610 mm) shall be provided. *Rest of section remains the same.*
23. **Section R501.3 Fire protection of floors.** Floor assemblies, not required elsewhere in this code to be fire-resistance rated, shall be provided with a 5/8-inch (16 mm) Type X gypsum wallboard membrane, 1-inch (25.4 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member.

Exceptions:

1. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.

2. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm x 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.
24. **Section R905.7 Wood shingles.** Delete in its entirety.
25. **Section R905.8 Wood shakes.** Delete in its entirety.
26. **Section P2501.1 Scope.** The provisions of this chapter and the Illinois State Plumbing Code, latest edition (currently 2004 edition), shall establish the general administrative requirements applicable to plumbing systems and inspection requirements of this code.
27. **Section P2601.1 Scope.** The provisions of this chapter and the *Illinois State Plumbing Code*, latest edition, shall govern the installation of plumbing not specifically covered in other chapters applicable to plumbing systems. The installation of plumbing, *appliances, equipment*, and systems not addressed by this code shall comply with the applicable provisions of the *International Plumbing Code* and the *Illinois State Plumbing Code*, whichever is stricter.
28. **Section P2603.5.1. Sewer Depth.** *Building sewers* that connect to a private sewage disposal system shall be not less than 42 inches (107 mm) below finished *grade* at the point of septic tank connection. *Building sewers* shall be not less than 42 inches (107 mm) below *grade*.
29. **Section P2904.1.1 Required sprinkler locations. Exceptions.** Delete Exceptions 3 and 4 in their entirety.
30. **Section P2904.4.2 System design flow rate.** Add:
6. For the purposes of this section and all NFPA 13D residential fire sprinkler system designs, a minimum safety factor of two (2) psi shall be incorporated into all hydraulic calculations associated with any new and/or substantially modified fire sprinkler system. This safety factor shall be added into the final calculations after all other hydraulic calculations have been completed to the point where the underground service line directly connects to the public water main system. All hydraulic calculations shall be based upon an on-site flow test completed no more than 180 days prior to the design submittal.
31. **Section E3602.2.1 Services under 100 amperes.** Services under 100 amperes are not permitted.
32. **Section E3603.2 Ungrounded service conductors for accessory buildings and structures.** Ungrounded conductors for other than dwelling units shall have an ampacity of not less than 60 amperes and shall be sized as required for feeders in Chapter 37. (*Exceptions remain the same.*)
33. **Section E3705.3 Adjustment factor for conductor proximity. Exceptions 3 and 4.** Delete in their entirety.
34. **Section E3705.4.4 Conductors of Type NM cable.** Delete in its entirety.

35. **Table E3801.2 Allowable wiring methods.**

| ALLOWABLE WIRING METHOD | DESIGNATED ABBREVIATION |
|---|-------------------------|
| Electrical metallic tubing | EMT |
| Flexible metal conduit | FMC |
| Intermediate metal conduit | IMC |
| Liquidtight flexible conduit | LFC |
| Metal-clad cable | MC |
| Rigid polyvinyl chloride conduit (Type PVC) | RNC |
| Rigid metallic conduit | RMC |
| Surface raceways | SR |

36. **Table E3801.4 Allowable Applications for Wiring Methods.** Delete AC, ENT, NM, SE, UF, and USE.

37. **Section E3802.4 In unfinished basements and crawl spaces.** Metal conduit, tubing, and metal outlet boxes shall be connected to an equipment grounding conductor complying with Section E3908.13.

38. **Section E3802.5 Bends.** Bends shall be made so as not to damage the wiring method or reduce the internal diameter of raceways.

39. **Section E3908.8 Types of equipment grounding conductors.** The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

- a. A copper, aluminum or copper-clad conductor. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire or a busbar of any shape.
- b. Rigid metal conduit.
- c. Intermediate metal conduit.
- d. Electrical metallic tubing.
- e. Other electrically continuous metal raceways and auxiliary gutters.
- f. Surface metal raceways listed for grounding.

40. **Section E3908.8.3 Nonmetallic sheathed cable (Type NM).** Delete in its entirety.

41. **Section E4208.4 Emergency switch for spas and hot tubs.** A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provides power to the recirculation system and jet system shall be installed at a point that is readily accessible to the users, adjacent to and within sight of the spa or hot tub and not less than 5 feet (1524 mm) away from the spa or hot tub.

42. **Chapter 44 Referenced Standards.** Add: **State of Illinois.** Illinois State Plumbing Code, latest edition (currently 2004 edition).

15.01.090 Adoption of the International Property Maintenance Code, 2012 edition.

A. The *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, Inc., three copies of which are on file with the Wheeling Village Clerk be and is hereby adopted as the *Property Maintenance Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code*, on file in the office of the Village of Wheeling are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the specific revisions otherwise noted in Section 15.01.090.B., is hereby adopted by reference.

B. The following sections of the *International Property Maintenance Code*, 2012 edition, are hereby revised, amended, or added in words and figures as follow:

1. **Section 101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of the Village of Wheeling, Cook and Lake Counties, Illinois, hereinafter referred to as "this code."
2. **Section 102.3 Application of other codes.** Delete last sentence only from section.
3. **Section 103.2 Appointment.** The Director of Community Development shall be the code official for the enforcement of this code, and shall be appointed by the chief appointing authority of the jurisdiction, and shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.
4. **Section 103.5 Fees.** Delete in its entirety.
5. **Section 106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws; and, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred fifty dollars (\$500.00). Each day a violation continues shall be deemed a separate offense.

Section 106.4.1 Court costs. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.

6. **Section 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred fifty dollars (\$500.00). Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.
- Section 112.4.1 Court costs.** In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs for the proceedings.
7. **Section 302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of eight inches (8"). (*Rest of section remains the same.*)
8. **Section 304.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numeral and letters required for suite designation or street names shall be non-script alphabet letters. Numbers and letters shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).
9. **Section 304.14 Insect screens.** During the period from April 1 to December 1, every door, window and other opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized for human consumption... (*Rest of paragraph remains the same.*)
10. **Section 307.1 General.** Every exterior and interior flight of stairs having *three* or more risers shall have a handrail on one side of the stair... (*Rest of section remains the same.*)
11. **Section 502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code* and the *Illinois State Plumbing Code*. (*Rest of section remains the same.*)
12. **Section 602.3 Heat supply.** "...to furnish heat to the *occupants* thereof shall supply heat during the period from September 15 to May 15 to maintain a temperature of not less than 65°F (20° C) in all habitable rooms, *bathrooms*, and *toilet rooms*." (*Rest of section remains the same.*)
13. **Section 602.4 Occupiable spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. (*No changes to Exceptions.*)

CHAPTER 15.02 ELEVATOR INSPECTION PROGRAM AND STANDARDS

15.02.010 Elevator inspection program

The village of Wheeling hereby adopts and provides for a program of inspection and permitting of elevators, escalators and other conveyances (the "Program") to be operated and

administered in compliance with the Elevator Safety and Regulation Act (225 ILCS 312/1 et seq.) (the "Act"), as amended, and any Administrative Rules adopted thereunder.

15.02.020 Elevator standards

The following standards, as published by the American Society of Mechanical Engineers, American National Standards Institute, and American Society of Civil Engineers, are hereby adopted by reference as the Elevator Codes of the village of Wheeling and, except as modified in this chapter, each and all of the regulations, provisions and conditions and terms of the below listed standards are hereby referred to, adopted and made a part hereof by reference as if fully set forth in this Code:

A. American Society of Mechanical Engineers (ASME):

1. Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07);
2. Safety Code for Existing Elevators and Escalators (ASME A17.3-2008) (upgrades required by application of the Safety Code for Existing Elevators and Escalators to the hydraulic cylinder system and the firefighter control system must be completed by February 1, 2011);
3. Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2008); and
4. Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2007).

B. American National Standards Institute (ANSI):

1. Safety Requirements for Personnel Hoists and Employee Elevators (ANSI/ASSE A10.4-2004).

C. ANSI/ASME (Combined):

1. Guide for Inspection of Elevators, Escalators, and Moving Walks (ANSI/ASME 17.2-2007);

D. American Society of Civil Engineers (ASCE)/ANSI (Combined):

1. Automated People Mover Standards
 - (a) ASCE-21-05 (Part 1)
 - (b) ANSI/ASCE/T&DI 21.2-08 (Part 2)
 - (c) ANSI/ASCE/T&DI 21.3-08 (Part 3)
 - (d) ANSI/ASCE/T&DI 21.4-08 (Part 4)

15.02.030 Inspection fees

Inspection fees under the Program are set forth in the schedule of fees and charges found in Title 1, Chapter 1.26 of this Code.

CHAPTER 15.03 MOVING BUILDINGS:

15.03.010 Moving permit required

No person, firm or corporation shall move any building from one lot to another lot, on or over any street, alley, sidewalk or other public place in the village without a permit for the same from the village manager or his duly authorized representative. Applications for such permits shall be made in writing to the building director and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any public way or place.

15.03.020 Reconstruction permit required

Any person, firm or corporation proposing to move any building from its present foundation to another foundation shall first obtain a permit from the building director for the reconstruction of the building to be moved. The permit shall be based upon such new construction or remodeling as may be necessary to put such moved building into the condition necessary to qualify under Section 15.02.030 for moving, and the cost of the permit shall be based upon the rates for a new construction under this Title.

15.03.030 Conditions for reconstruction permit issuance and approval

No permit to move or reconstruct a moved building shall be issued unless such building, when moved, and remodeled and reconstructed in accordance with the permit issued, shall comply in all regards to existing building code requirements of the village of Wheeling. No such building, after it has been moved, shall be occupied until a certificate of occupancy has been issued by the building director, as required in the case of new construction. No such permit shall be issued to move or reconstruct a moved building unless the building and the proposed use thereof meet all of the requirements of all applicable ordinances of the village of Wheeling.

15.03.040 Bond requirement

Every person, firm or corporation applying for a permit to move or to reconstruct a moved building shall give a surety bond with the corporate surety approved by the village attorney of the village of Wheeling, conditioned upon its compliance with all of the provisions of this chapter, agreeing to pay and hold the village harmless from any claim which may be made against it by reason of the occupation of any street, sidewalk, alley or other public place by the building or structure moved, which bond shall be in the minimum penal sum of five thousand dollars and such further sum as the building director may direct before issuing such permit. In addition thereto, the village attorney, before issuing the permit, may require appropriate insurance to cover any public liability during the process of moving such building on or off any public area.

15.03.050 Lights and warnings

Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the chief of police so as to warn vehicles and persons from entering that portion of the street which is so blocked. The person, firm or corporation moving any building through the streets shall keep warning signs and lanterns at night on the building so as to guard against any person or vehicle from colliding with it.

15.03.060 Cutting wires

Whenever it is necessary to interfere with the wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance shall apply, and the bond specified therein given. If no such terms apply, then the building director shall estimate the expense of fixing the wires and the bond to be given to cover this.

15.03.070 Fire alarm wires

When any such moved building shall approach any fire alarm wires or poles which shall be endangered by the removal of such building, it shall be the duty of such mover to notify the chief of the fire department at least six hours before reaching such wires or poles so that they may be removed or cared for by the village authorities.

15.03.080 Penalty for violation

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Chapter 1.04 of this code. Each day that a violation is permitted to exist shall constitute a separate offense.

CHAPTER 15.04 FENCES:

15.04.010 Compliance required

No person, firm or corporation shall erect or cause to be erected any fence or other screening structure unless it shall be in accordance with the provisions of this chapter.

15.04.020 Permit to erect fence required *(This section could be eliminated since fences are not "exempt from permit" in the building code adoption.)*

It is unlawful to erect any fence or other screening structure without first having secured a permit therefore. Applications for permits shall be made to the village building director and shall specify the intended location, character and size of such fence or structure.

15.04.030 Fence types

Fences of any type, except types prohibited by Section 15.06.040, may be erected pursuant to the requirements of the individual zoning classification.

15.04.040 Special permit for certain backyard fences

Whenever back or side lot lines abut major highways or roadways, or other unusual circumstances exist, a special permit allowing fences not conforming to this chapter may be issued by the building director.

15.04.050 Penalty for violation

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Title 1, Chapter 1.04, Section 1.04.035 of this code. Each day that a violation is permitted to exist shall constitute a separate offense.

CHAPTER 15.05 CONTRACTOR REGISTRATION, BONDS AND INSURANCE

15.05.010 Contractor defined.

A. A "contractor" is any person, firm, or corporation engaged in the construction, repair or alteration of any building, structure, accessory object, site or street or sidewalk pavement within the village. For purposes of this chapter, contractors shall include, but not be limited to, companies engaged in the business of asphalt, carpentry, concrete, drain laying, electrical, excavating, fencing, fire control and suppression, general contracting, heating and air conditioning, landscaping, lawn sprinklers, masonry, plumbing, roofing, sewers, siding, signs, private alarm installation, water well and pump installation, irrigation, tank installation and servicing, wrecking, and similar businesses. Subcontractors shall be considered as contractors for the purpose of this chapter.

B. The provisions of this chapter shall not require a homeowner to be registered as a contractor to rehabilitate, alter or repair his or her own home.

C. The term contractor does not include any architect or engineer acting within the scope of his or her license.

15.05.020 Registration requirements

A. **[Registration Required for Permit.]** No contractor may undertake work within the village for which a permit is required without first being registered with the village. Registration shall be accomplished by providing the director of community development or his designee the name of the business, the type of contracting activity, the address of the business, evidence of relevant State of Illinois issued or mandated license or registration, telephone number and name of principal. The contractor shall also provide evidence of the surety bond and certificate of insurance required under this section. Registration may be accomplished at the time of application for permit.

1. **Plumbing Contractors.** Every contractor performing plumbing work within the village shall submit to the director of community development or his designee a copy of its State of Illinois plumbing license showing an expiration date not earlier than the application date for the permit for which it is applying (058 License). All work of plumbing within buildings in the village shall be performed by a master plumber, or a journeyman plumber under the direction of a licensed master plumber. All work of tile drain-laying underground and the building of masonry catchbasins or cesspools shall be performed by a drain layer licensed to engage in the business of drain laying. All work of laying sanitary waste sewers and connecting to sanitary sewer lines shall be performed by a person licensed and qualified to engage in the business of laying sanitary sewer lines.
2. **Electrical Contractors.** Every electrical contractor performing work within the village shall submit to the director of community development or his designee a copy of its electrical license certified from an established commission or a certifying municipality in the State of Illinois showing an expiration date not earlier than the expiration date of the application date for the permit for which it is applying. All electrical work performed within buildings or other structures in the village shall be performed by persons employed, supervised and directed by a licensed electrical contractor.

3. **Roofing Contractors.** Every roofing contractor performing work within the village shall submit to the director of community development or his designee a certified copy of its State of Illinois roofing certificate showing an expiration date not earlier than the expiration date of the application date for the permit for which it is applying.

B. Surety Bond. Each contractor performing work within the village must provide to the director of community development a surety bond in the amount of ten thousand dollars at the time of registration. The bond must be issued by a surety approved by the village and authorized to do business in Illinois, conditioned to indemnify and hold the village harmless from any loss, damage, claim or liability arising out of or resulting from the doing or failure to do any act required by the ordinances of the village of Wheeling, or from any other loss, damage or liability suffered by the village resulting from the work performed by the contractor. Homeowners acting as their own contractor will not be required to post a surety bond unless the permit work has the potential to impact the public right-of-way or public easement

C. Certificate of Insurance. Each contractor performing work within the village shall submit to the director of community development or his designee a current certificate(s) of insurance evidencing the following coverage in not less than the following amounts:

1. **Commercial General Liability Insurance.** Five hundred thousand dollars per person and one million dollars per occurrence covering liability arising from premises, operations, independent contractors, products completed operations, and personal injury.
2. **Workers' Compensation Insurance.** In the amounts and coverage required under Illinois law.

15.05.030 Penalty for violation

Any person, firm or corporation violating the provisions of this chapter shall be subject to a fine of not less than fifty dollars nor more than five hundred dollars. Each day that a violation is permitted to exist constitutes a separate offense.

CHAPTER 15.06 DANGEROUS BUILDINGS

15.06.010 Dangerous buildings generally

It shall be unlawful for any owner, agent, occupant, or person in custody of any building or structure thereof to keep or maintain any building or structure or part thereof in any unsafe or dangerous condition. The word "building," as used in this Chapter, shall describe any walled or roofed structure including mobile homes, commercial establishments, dwellings and any accessory structures.

15.06.020 Definition of dangerous buildings

A. For the purpose of this Chapter, any building or structure which has any of the following defects or is in any of the conditions hereinafter described as determined by the director of the department of community development (hereinafter "Director") or his designee shall be deemed a "dangerous building" and any conditions hereinafter described shall be deemed unsafe:

1. Whenever any door, aisle, passageway, stairway, elevator, fire escape or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to or might use such door, aisle, passageway, stairway, elevator, fire escape or other means of exit;
2. Whenever any portion thereof has been damaged by wind, flood, fire or by any other cause in such a manner so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the village;
3. Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
4. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction;
5. Whenever any building or structure or any part thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse; or some portion of the foundation or underpinning is likely to fall or give away;
6. Whenever for any reason whatsoever, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used;
7. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play in or about the building structure to their danger;
8. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to afford a harbor for trespassers, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts;
9. Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement is unsanitary or unfit for human habitation and is likely to cause injury to the health, morals, safety or general welfare of those living within;
10. Whenever a building or structure is infested with rodents, insects, pests or other vermin; or is likely to cause sickness or disease when so determined by the health inspector of the village health department or the division of code enforcement;
11. Whenever any building shall become vacant, dilapidated or open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers;
12. Whenever a building which, exclusive of the foundation, shows thirty-three percent or more of damage or deterioration of the supporting member or fifty

percent of damage or deterioration of the nonsupporting, enclosing, or outside walls or covering;

13. Whenever a building has light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of the people of the village;
14. Whenever a building, because of its condition, is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the village;
15. Whenever a building is in violation of any provision of the building code of the village, or any provision of the fire prevention code, or other ordinances of the village.

15.06.030 Enforcement power

A. The director or his designee shall have full power to pass any question arising under the provisions of this Chapter, subject to the conditions, modifications and limitations contained in this Chapter.

B. The director or his designee is hereby authorized to demolish or repair or cause the demolition or repair of dangerous buildings or uncompleted buildings or abandoned buildings within the territorial limits of the village, pursuant to the terms of this Chapter and the statutes of the state of Illinois.

C. The director or his designee is further authorized, when removing or causing the demolition of a dangerous building, uncompleted building or abandoned building from a lot, to remove all private sidewalks, fences, concrete foundations and driveways located on the lot with such building.

15.06.040 Notice of unsafe condition of buildings--Means of service

A. When a building or structure within the village is found to be a "dangerous building" or contains an unsafe condition, an inspector for the department of community development shall issue and serve a notice thereof upon all owners of record or persons having an interest therein as shown by documents recorded in the office of the county recorder of deeds and upon persons in apparent possession of the premises.

B. The notice shall briefly and concisely specify the conditions and factors of the building or structure which render it dangerous or unsafe. The notice shall further specify that the owners make the building safe (by complete elimination of any unsafe conditions) or commence demolition at owner's costs within fifteen days of such notice. The notice shall further specify that:

1. Demolition shall commence no later than fifteen days of such notice; and
2. A date for completion of demolition: The date for completion shall be reasonably set in light of the nature of the building, weather conditions, and other related factors. The fifteen-day time period shall commence upon receipt of the notice.

C. The notice authorized by this section shall be served by either personal service or by certified mail with return receipt. Personal service may be made by the director or his designee, or a police officer of the village.

D. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building, including the lienholders of record, is not ascertainable, notice shall be mailed to the person or persons in whose name such real estate was last assessed for general real

estate taxes and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting is sufficient notice under this section.

E. In the event the owner fails to comply with any time period set forth in the notice, the village attorney or village prosecutor is authorized to commence a civil action in the circuit court of the county seeking a court order authorizing demolition or repair of the building or structure subject to the notice provided by this section and to create the lien described in Section 15.20.070 of this Chapter. It shall not be a defense to this cause of action that the building is boarded up or otherwise enclosed. It further shall not be a defense that the building is put in a safe condition during the pendency of the civil action.

F. Joined as defendants in such cause shall be the owner of record and other parties having an interest in the property as shown by documents recorded in the office of the county recorder of deeds on the date of the filing of the complaint for demolition.

15.06.050 Lis pendens

Upon the commencement of the civil action set forth in Section 15.20.040 of this chapter, a lis pendens designating the property upon which the subject building is located shall be filed with the recorder of deeds. Failure to file or the improper filing of the lis pendens does not, however, affect the civil action for demolition. Any person obtaining or recording in such office an interest in the property after such filing may become party to the civil action only if he intervenes by order of the court.

15.06.060 Placarding of building or structure

A. Whenever any dwelling or building has been designated a dangerous building or contains unsafe conditions, an inspector of the division of building inspection services and/or code enforcement shall placard the building indicating that the condition is dangerous and unsafe. It shall be unlawful for any person to rent, cause to rent, to occupy or allow another to occupy any premises, knowing that such premises has been designated a dangerous building.

B. It shall be unlawful for any person to remove, cause to remove or cover up in any way any placard designating a building or structure a "dangerous building." A violation of this section shall be punishable by a fine not less than one hundred dollars and not more than provided in Title 1, Chapter 4 of this Code or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

15.06.070 Demolition lien—Personal judgment

A. The cost of demolition or repair incurred by the village, including court costs, attorney's fees and other costs related to the enforcement of this Chapter is recoverable from the owner or owners of the real estate and is a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however, that within sixty days after completion of the demolition or repair, the village attorney shall file a notice of lien for the cost and expense incurred by the village, in the office of the recorder of deeds of the county. Upon payment of such cost of demolition by the owner or any person who has an interest in the property, the lien shall be released by the village attorney.

B. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Suit to foreclose this lien shall be commenced by the corporation counsel within three years after the date of filing of notice of lien.

C. If payment of the village's cost of demolition is not paid to the village within fifteen days of the filing of the notice of lien, the village attorney may commence proceedings in the circuit court seeking a personal judgment from the owner of the subject property at the time the complaint for demolition was filed with the circuit clerk in the amount of such costs. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedies.

15.06.080 Boarding up buildings

No building may be boarded up or otherwise enclosed, except as an emergency measure due to fire, explosion, vandalism or other casualty, or as an incident to the construction or repair of a building or structure pursuant to a permit issued for such construction or repair.

15.06.090 Emergency cases

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated, or demolished, the director shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be borne by the property owner.

15.06.100 Administrative liability

No officer, agent, or employee of the village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter.

CHAPTER 15.07 DEMOLITION OF STRUCTURE(S) OR BUILDING(S)

15.07.010 Definitions

A. For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

1. **Accessory structures.** Those structures which are subordinate in size or use to the main building which includes, but are not limited to, fences, signs, walls, garages, sheds, barns and similar structures.
2. **Building.** Those structures which are fastened or rest on permanent foundations and shall include but are not limited to structures which are used or occupied for whatever use or occupancy, water towers, above or below ground storage tanks, silos, garages, barns and similar structures.
3. **Demolisher.** A person, firm or corporation who undertakes the work of demolishing, razing or removing a structure.
4. **Demolition.** The act of tearing down, removing or razing any building.
5. **Main building.** The structure on the lot or parcel which is most predominant in size or use.
6. **Owner of property.** The person, firm or corporation who owns the property upon which a building or portion thereof is to be demolished, razed or removed and the owner of a building or portion thereof which is to be demolished, razed or removed.

7. **Structure.** That which is constructed or erected.

15.07.020 Demolition permit required

A. No person, firm or corporation shall demolish, raze or remove any building or a portion thereof unless that person, firm or corporation first secures a demolition permit from building administrator.

B. No person, firm or corporation who is owner of a property, shall cause or allow any building or a portion thereof on the property owned by him to be demolished, razed or removed unless a demolition permit has first been secured from the building administrator.

15.07.030 Permit

A. The building administrator, or his designee, may issue a demolition permit only after the applicant submits the following:

1. A letter from owner of the property authorizing the person, who is to undertake the work, to demolish, raze, or remove the structure(s) or building(s) thereon. The letter shall be signed by the property owner, or in the case of the property held in trust, by the trustee;
2. An up-to-date plat of survey which shows the location of the building(s) and structure(s) to be demolished, razed or removed, and the location of any wells, septic tanks or cisterns on the property;
3. The address of the building(s) and structure(s) to be demolished, razed or removed;
4. The name, address and telephone number of all person(s), firm(s) or corporation(s) connected with the demolition, including, but not limited to, the general contractor, the well-sealer and septic pumper/hauler;
5. A performance bond or other performance surety, satisfactory to the village attorney, in an amount of one hundred fifty percent of the contract for the demolition work or, if there is no contract, one hundred fifty percent of the reasonable estimated cost of the work required under this chapter to cover the cost of demolition, and the removal of the building and all other work required under the demolition permit, including inspectional fees and incidental expenses;
6. A copy of a certificate of insurance in the amount of:
 - a. three hundred thousand dollars (\$300,000.00) property damage, and five hundred thousand dollars (\$500,000.00) personal injury for all buildings two stories or less or
 - b. one million dollars (\$1,000,000.00) property damage and five hundred thousand dollars (\$500,000.00) personal injury for all buildings over two stories;
7. A list of work the demolisher is to do. This list shall include all items listed under Section 15.07.04;
8. Payment of the demolition permit fee, as established under Title 1, Chapter 1.26 of Village of Wheeling Municipal Code.

B. The demolition permit shall be valid for six (6) months from the date issued. Work once begun under the permit shall be completed within three months. The building administrator may extend these time limits up to three (3) months.

C. The village of Wheeling may foreclose on the performance bond if work has not begun within six (6) months of the date the permit is issued or if the work has not been completed within three months from the date it was begun and use the funds to complete the work required under the demolition permit.

15.07.040 Property owner's responsibility—Demolisher's responsibility

A. Except as provided in subsection (b) of this section, the owner of property upon which a structure is to be demolished, razed or removed and the demolisher shall each be responsible for the completion of each of the following requirements:

1. Comply with all applicable provisions of the Wheeling Building Code;
2. Barricade all excavations on site when not attended;
3. Locate and seal any wells on the property at the time the main building on the property is demolished, removed or razed.

All wells shall be sealed in accordance with the rules and regulations of the Illinois State Department of Mines and Minerals, and a copy of a well sealing affidavit shall be submitted to the village sanitarian;

4. Locate and abandon any septic tanks when the main building on the property is demolished, razed or removed. The contents of any tank shall be removed by a state licensed septic pumper/hauler and:
 - a. the top of the tank removed and the tank filled with sand or limestone screening, or
 - b. the entire tank removed and the excavation filled with clean and compacted clay fill.
5. Locate and abandon any cisterns. Follow the procedure outlined in subsection A.4.a. or A.4.b. in this section;
6. Abandon/disconnect electric service, at utility pole or transformer, prior to beginning work when the main building on the property is demolished, razed or removed;
7. Exterminate rodent infestation, if any, prior to beginning of demolition;
8. Locate and abandon/disconnect gas service at the main, prior to beginning work when the main building is demolished, razed or removed;
9. Abandon village water service at the corporation stop located on the watermain and remove the buffalo box. Flatten and crimp the pipe over. Arrange to have village water department remove the water meter from the structure;
10. Seal sanitary sewer service at property line by installing a plug and sealing the entire area with concrete when the main building is demolished, razed or removed;

11. Remove all accessory structures at the time the main building is demolished, razed, or removed, unless prior approval for accessory structures to remain is secured from the building administrator or his designee;
12. Remove all foundation walls, unless otherwise required by the building administrator. Footings need not be removed;
13. Remove all concrete slabs on grade and basement floors;
14. Remove any parking pavement, driveway and driveway aprons to the lot line and provide barrier to vehicular access;
15. Remove any underground storage tanks;
16. Remove all building material, debris, litter and refuse to a landfill approved to receive such wastes. No building material, debris, litter or refuse shall be buried at the site;
17. Fill all holes and excavations with clean compacted clay fill;
18. Grade property to drain;
19. Provide black dirt as necessary to support seed growth;
20. Seed lot for erosion control;
21. Cut any weeds and grass that may be left after work is completed.

B. In the event the demolition permit is issued in connection with a building permit to construct a new building or portion of a building, or to install new buildings and structures on the property, the owner of property and demolisher:

1. Shall not be required to comply with subsections (a)(18), (19), (20) and (21) of this section; and
2. Shall not be required to comply with subsections (a)(13), (14), (15) and (17) of this section; unless the building administrator determines that compliance is necessary for safety or health reasons, or in order to comply with village ordinances, or in order to properly install the new construction, provided, the new construction is begun within ninety days of the date the demolition permit is issued. If construction has not begun at the end of that ninety days, the owner of property and demolisher shall be responsible for completion of all items listed in subsection (a) of this section. In any event, the bond required in Section 15.05 shall be calculated upon complete compliance with Section 15.07.04.

15.07.050 Inspections required

A. The person, firm or corporation who undertakes to demolish, raze or remove a structure shall establish an appointment with the appropriate village departments for the following inspections at least twenty-four hours in advance.

1. Pre-demolition Inspection. After electric and gas services have been disconnected and the sewer service has been disconnected and sealed and water service has been abandoned, but before any service excavations are backfilled.
2. Demolition Inspection. After septic tank contents and lid have been removed and the tank has been filled with granular fill, after the cistern lid removed and cistern

has been filled with granular fill, after all building material, debris, litter and refuse have been removed, but before the excavation(s) is (are) backfilled.

3. Final Demolition Inspection. Inspection after the clay fill has been compacted into excavation, property graded, weeds cut, black dirt installed and the property has been seeded, but before equipment removed.

15.07.060 Authority to establish rules and regulations

The building administrator shall develop rules and regulations, as he deems necessary, to effectuate the provisions of this Chapter, or to clarify any provisions of this Chapter.

15.07.070 Noncompliance and penalty

A. Any person, firm or corporation who fails to comply with the provisions of this Chapter, or rules and regulations adopted pursuant to this Chapter, shall be fined not less than fifty dollars for the first week, one hundred dollars for the second week, two hundred dollars for the third week and five hundred dollars for the fourth week and each subsequent week the failure to comply continues.

B. Service of summons may be in person or by mail.

C. The owner of property, and the person, firm or corporation which undertakes to demolish, raze or remove a building or a structure from a property are jointly and independently liable for the failure of either to comply with the provisions of this Chapter.

D. Legal action by the village against one party shall not preclude action against the other.

E. Criminal action for failure to comply by the village against both or either party, shall not preclude simultaneous civil action.

CHAPTER 15.08 CONDOMINIUMS

15.08.010 Purpose, declaration of policy

It is the purpose of this Chapter to establish standards for the conversion of rental properties to condominiums in order to protect the tenants of the rental units designated for conversion, to protect the purchasers of both new and conversion condominium units, and to encourage the maintenance and improvement of the quality of building and housing within the village.

15.08.020 Application

The provisions of this Chapter shall apply to all property which is to be developed as, or converted to, condominiums.

15.08.030 Definitions

A. For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

1. **Agent.** Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who represent or act on behalf of a developer in the sale of any condominium unit.
2. **Blanket encumbrance.** A trust, deed, mortgage, judgment or other lien or encumbrance including an option or contract to sell or a trust agreement affecting

a condominium including any lien or other encumbrance arising as a result of the imposition of any tax assessment by a public authority.

3. **Board of managers.** Those persons designated to act collectively on behalf of the unit owner's association.
4. **Closing of the sale.** The operation of transferring ownership of a condominium to a purchaser from the developer through any deed of conveyance.
5. **Common elements.** The portions of the property within a condominium project, except the condominium units, to be used, shared, or common to more than one unit. Common elements shall include roofs and/or attic spaces, foundations, external and supporting walls and other structural elements, electrical, plumbing, heating, air-conditioning and other mechanical systems when shared by more than one unit and other facilities used, shared, or common to more than one unit. Common elements also include limited common elements.
6. **Condominium.** The ownership of a single unit in a building designed for multitenant use with common elements.
7. **Condominium project.** Any plan or project by a person to sell independent units in a building designed for multitenant use.
8. **Conversion.** The offering for sale, by a developer or agent, condominium units that were previously rental units.
9. **Declaration.** The instrument by which property is submitted to the provisions of the Illinois Condominium Act and this Chapter, as hereinafter provided, and as may be from time to time amended.
10. **Developer.** Any person, firm, corporation, partnership, joint venture, or association or any other entity or combination of entities who undertakes the development of a condominium project either by conversion from rental units to condominiums or by the construction of new buildings for condominium use.
11. **Limited common elements.** A portion of the common elements to be reserved for the use of a certain number of condominium units to the exclusion of other condominium units.
12. **Offering.** Any inducement, solicitation, advertisement, publication or announcement to the general public to encourage a person to acquire a condominium unit.
13. **Person.** Any natural individual, corporation, firm, association, joint venture, partnership or other legal entity or combination thereof.
14. **Plat of condominium subdivision.** A plat of survey of all the units and common elements of a condominium project.
15. **Prospective purchaser.** Any person who visits the project site for inspection for purchase or who requests a property report.
16. **Site.** The real property upon which the condominium project is to be located.
17. **Tenant.** A person who pays rent for the privilege of occupying a building or a unit in a building.

18. **Unit.** A part of the property including one or more rooms, occupying one or more floors or a part or parts, thereof, designed and intended for any type of independent use.
19. **Unit owner's association.** The association of all of the unit owners acting pursuant to bylaws through its duly elected board of managers.

15.08.040 Review procedures required

A. In accordance with Title 17, Planning, Subdivision, and Developments, and Title 19, Zoning, Chapter 19.12, each new and conversion condominium project, whether residential, commercial, or industrial, shall be subject to the following review procedures:

1. Preliminary plat of condominium subdivision;
2. Final plat of condominium subdivision;
3. Site plan approval;
4. Building appearance approval; and
5. Any other requirements of Title 17 and Title 19 as determined by the plan commission and village board.

B. Following a written request by the developer of a non-residential condominium project, whether new or conversion, the community development director may, at his or her discretion, waive the requirements of this section and chapter. Any such request that is approved shall be communicated to the board of trustees in writing prior to any condominium in a condominium project being offered for sale and prior to recording a declaration with the county recorder or registrar of Torrens Titles. Any such request that is denied may be appealed to the village board of trustees.

15.08.050 Condominium disclosure statement—Required contents

A. Every developer of a condominium project to be located within the village of Wheeling shall prepare a condominium disclosure statement. Said statement shall contain the information listed below. Each document required must be clearly labeled with references to the subsection numbers clearly indicated.

1. A statement indicating name and address of the developer and owner, if different, including all partners of a partnership or all officers and directors of a corporation as well as the following:
 - a. The name and address of the developer and legal and beneficial owner of the parcel, if different, including all general partners of a partnership and officers and directors of a corporation,
 - b. All persons with a direct material financial interest in the property, including interim and permanent mortgage lenders secured by a blanket encumbrance,
 - c. The principal attorneys, accountants, architect, engineer and contractor for the property;
2. A general description of the condominium, including the number and types of units, the sale price of each type of unit, any restrictions on use and occupancy,

- floor plans, arrangements for parking and the proportion of units that the developer intends to rent or market to investors;
3. A plat of survey showing the size and dimensions of the condominium property and setting forth a legal description of the condominium units;
 4. A description of the common elements and a statement of the percentage ownership of the common elements applicable to the condominiums offered;
 5. A description of all existing and proposed facilities not to be included as part of the common elements;
 6. A statement of title listing all restrictions of record and the condition of title;
 7. Projected initiation and completion dates for any proposed construction, renovation or conversion;
 8. A description of any fixtures, appliances or other personal property included in the sale of a condominium unit;
 9. A disclosure of the existence of legal documents that are to be binding upon the condominium including:
 - a. The proposed declaration,
 - b. The articles of incorporation or charter of the condominium association,
 - c. The bylaws and regulations of the condominium association,
 - d. Any leases of real or personal property applicable to the condominium,
 - e. The coverage and amounts of condominium insurance policies,
 - f. Any management contract, employment contract or other contract affecting the use, maintenance, or access to all or any part of the condominium and an indication of the relationship, if any, between the developer and all contracting parties;
 10. A statement of all financial aspects of the condominium project, including but not limited to:
 - a. Name of construction mortgagor or the interim mortgagor,
 - b. Institution offering long-term mortgage financing, if available, and terms and conditions of such mortgage;
 11. Any fee to be paid by the unit owners for the use of the common elements and other facilities of the condominium;
 12. A projected budget for the condominium owners association, projected for a period of two years from the date of the first conveyance of a condominium unit. The developer shall be financially responsible for any intentional misrepresentation in such budget. The budget must include:
 - a. Operating Costs:
 - i. Utilities,
 - ii. Heating fuels,
 - iii. Janitorial services,

- iv. Trash and garbage disposal,
 - v. Ground and building maintenance,
 - vi. Security,
 - vii. Maintenance and operation of recreational and other facilities,
 - viii. Building insurance,
 - ix. Elevator maintenance,
 - x. Sidewalks and street maintenance, and
 - xi. Other operating costs.
- b. Management Costs:
- i. Accounting and bookkeeping services,
 - ii. Legal services,
 - iii. Management fees,
- c. Reserve Costs:
- i. Reserve for improvements,
 - ii. Reserve for unexpected repair work,
 - iii. Reserve for replacement and upkeep of common area and facilities,
 - iv. Reserve for taxes and special assessments;
13. Alternative provisions the developer has made to cover operations and maintenance in the event an insufficient number of units are sold;
14. A statement of the terms and conditions of sale, including estimated itemized closing and settlement costs, taxes and expected special assessments levied either by the condominium association or an entity of government;
15. In the case of a conversion to condominiums, a report from a qualified licensed structural engineer or registered architect, not associated with the developer/builder, stating his opinion concerning the condition and the rated life and expected useful life of the roof, foundation, external and supporting walls, mechanical, electrical, plumbing and structural elements and all other common facilities, together with an estimate of repair and replacement costs, at current market prices, which shall indicate what the cost per category would be if the unit owners were assessed for the estimated cost. This report shall include the approximate dates of installation of the facilities listed above and the dates of major repairs to such facilities. There shall also be attached a list of violations of the Wheeling building code, as received from the building department of the village of Wheeling or, if no notice of such violations has been received, the report shall so state;
16. A statement of any pending litigation which would affect the condominium or the developer's ability to clear title;
17. The nature and extent of any protection of a purchaser if the developer defaults on blanket encumbrance, unless the developer shall have furnished to the purchaser a noncancellable bond executed by a surety company authorized to do business in the state of Illinois, which has consented to be sued in this state, indemnifying a prospective purchaser against the loss of the deposit or deposits against payment

for the unit (earnest money) except by reason of the purchaser's default. If the developer has made no such arrangement, the following statement must be inserted, in a type, size and style equal to at least ten point bold type:

THE DEVELOPER HAS MADE NO ARRANGEMENTS TO PROTECT THE PURCHASER OF A CONDOMINIUM UNIT FROM ITS POSSIBLE DEFAULT ON A BLANKET ENCUMBRANCE. ACCORDINGLY, THERE IS A RISK OF LOSING YOUR FINANCIAL INTEREST IN THE EVENT OF THE DEVELOPER'S FAILURE OR BANKRUPTCY.

18. If there are any restrictions upon the free sale, transfer, conveyance, encumbrance or leasing of a unit, then a statement in bold face type or capital letters in substantially the following form shall be included: **THE SALE, LEASE OR TRANSFER OF YOUR UNIT IS RESTRICTED OR CONTROLLED.** Immediately following this statement, there shall appear a reference to the documents, articles, paragraphs, or pages in the disclosure materials where the restriction, limitation or control on the sale, lease or transfer of units is set forth or described in detail;
19. A senior executive officer of the developer shall sign the disclosure statement, under oath, and affirm that it and any supplements, modifications and amendments are true, full, complete and correct.

15.08.060 Condominium disclosure statement—Filing procedures and fees

- A. Prior to offering for sale any condominium in a condominium project and prior to recording a declaration with the county recorder or registrar of Torrens Titles, a developer shall file a condominium disclosure statement with the director of community development, shall certify under oath, by affidavit, that all disclosures are true and correct to the best of his or her knowledge, and shall pay a fee in the amount of five hundred dollars. In addition, a developer of a condominium conversion shall pay an inspection fee of fifteen dollars per condominium unit.
- B. The condominium disclosure statement shall not be distributed or used for any promotional purposes prior to its filing with the village of Wheeling.
- C. It shall be unlawful for a developer or agent to enter into a contract or agreement for the sale of any condominium unit unless:
 1. A copy of the disclosure statement and any amendments thereto have been supplied to the purchaser;
 2. The purchaser has been given an opportunity to read the disclosure statement;
 3. A receipt signed by the purchaser has been received by the developer or agent acknowledging that purchaser has received and has had an opportunity to review the disclosure statement.
- D. If any information required to be contained in the disclosure statement is unavailable prior to the time a purchaser desires to enter into a contract of sale, the contract may, at the purchaser's option, be executed without such information, provided that such information is furnished to purchaser and its receipt acknowledged in writing at least five days prior to the closing of the sale.

E. It shall be unlawful for a developer, after submitting a disclosure statement to the village, to materially change the terms of the disclosure statement without first notifying the director of community development in writing of such change and substantially notifying all purchasers of such change.

F. Any rights of purchasers provided in this Chapter shall not be waived in a contract of sale.

G. Prior to distribution, the following shall be conspicuously displayed by the developer on the first page of the disclosure statement in capital letters:

WARNING: THE VILLAGE OF WHEELING MAKES NO JUDGMENT ON THE STATEMENTS CONTAINED IN THIS DISCLOSURE STATEMENT. THE VILLAGE HAS REVIEWED THIS STATEMENT ONLY FOR COMPLIANCE WITH THE CONDOMINIUM ORDINANCE AND ASSUMES NO LIABILITY FOR THE PROJECT OR THE DEVELOPERS' ACTS OR FAILURE TO ACT.

VILLAGE OF WHEELING MUNICIPAL CODE SPECIFICALLY PROHIBITS ANY REPRESENTATION TO THE EFFECT THAT THE VILLAGE HAS PASSED UPON THE MERITS OF OR GIVEN APPROVAL TO MAKE OR CAUSE TO BE MADE TO ANY PROSPECTIVE PURCHASER ANY REPRESENTATIONS WHICH DIFFER FROM THE STATEMENTS IN THIS DISCLOSURE STATEMENT. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER AND ARE NOT BINDING ON THE DEVELOPER. REFER TO THE DISCLOSURE STATEMENT FOR CORRECT REPRESENTATIONS.

15.08.070 Conversion notification requirements

A. No less than sixty days prior to the first public meeting with the plan commission, a developer shall serve written notice of intent to convert the property to condominiums, by personal service or by registered or certified mail, return receipt requested, to any and all tenants of the property. The notice must indicate that the proposed conversion will be subject to review by the village of Wheeling and that the closing of the condominium units may not occur until the conversion has been approved by the board of trustees and all conditions of said approval have been met. The notice of intent to convert must be delivered to the director of community development within three days from the date that the notice is given to the tenants of the property.

B. Upon issuing the notice of intent, a developer shall publish and deliver along with such notice of intent, a schedule of selling prices for all units and offer to sell such unit to the current tenants, except for units to be vacated for rehabilitation subsequent to such notice of intent. Such offer shall not expire earlier than thirty days after receipt of the offer by the current tenant, unless the tenant notifies the developer in writing of his election not to purchase the condominium unit.

C. Any tenant who was a tenant as of the date of the notice of intent and whose tenancy expires, other than for cause, prior to the expiration of one hundred eighty days from the date on which a copy of the notice of intent was given to the tenant shall have the right to extend his tenancy on the same rental until the expiration of such one hundred eighty day period by the giving of written notice thereof to the developer within thirty days of the date upon which a copy of the notice of intent was given to the tenant by the developer.

D. Each lessee in a conversion condominium shall be informed by the developer at the time the notice of intent is given whether his tenancy will be renewed or terminated upon its expiration. If the tenancy is to be renewed, the tenant shall be informed of all charges, rental or otherwise, in connection with the new tenancy and the length of the term of occupancy proposed in conjunction therewith.

E. For a period of one hundred eighty days following his receipt of the notice of intent, any tenant who was a tenant on the date the notice of intent was given shall be given the right to purchase his unit on better or substantially the same terms and conditions as set forth in any duly executed contract to purchase the unit, which contract shall conspicuously disclose the existence of, and shall be subject to, the right of first refusal. The developer shall notify the tenant within five days after execution by the developer of any contract to purchase the unit during the one hundred eighty day period. The tenant may exercise the right of first refusal by giving notice thereof to the developer prior to the expiration of thirty days from the giving of notice by the developer to the tenant of the execution of the contract to purchase the unit.

F. Prior to their initial sale, units offered for sale in a conversion condominium and occupied by a tenant at the time of the offer shall be shown to prospective purchasers only a reasonable number of times and at appropriate hours. Units may be shown to prospective purchasers only during the last ninety days of any expiring tenancy.

G. Any tenant served with notice of intent to convert may, at its option, cancel and terminate such lease by serving written notice on the developer by personal delivery or by registered or certified mail, return receipt requested, within sixty days after the date tenant receives the notice of intent to convert. The notice of cancellation and termination of a lease shall specify the date when such lease shall be considered terminated and cancelled by tenant, which date shall be no earlier than the date tenant vacates the premises.

H. If a tenant exercises its option to terminate its lease as hereinabove provided, tenant shall be entitled to the return of any security deposit held by the lessor minus any amounts lessor is entitled to withhold under the provisions of the lease for damage to the premises and the like and cleanup costs and charges.

15.08.080 Code compliance—Required inspections and upgrades

A. Every new condominium shall be constructed in accordance with all applicable zoning, building, and housing ordinances and laws of the village of Wheeling in effect at the time of the construction of the condominium project.

B. Every condominium conversion project shall comply with the applicable provisions of the following titles of the Wheeling Municipal Code: Title 14 (Fire Prevention Code), Title 15 (Building Code), Title 17 (Planning, Subdivision, and Developments), and Title 19 (Zoning). Should variations to the provisions of Titles 17 and 19 be requested or required, such variations shall be approved concurrently with or prior to the final plat of condominium subdivision.

C. Every developer of a condominium conversion project located within the village of Wheeling shall file a notice of intent to convert with the director of community development within three business days from the date said notice is given to the tenants of the property. A code inspection of the property, including all projected condominium units and common elements and facilities, shall be scheduled when the notice of intent to convert is received by the director of community development.

D. Any code violations and deficiencies detected during an inspection of projected condominium units and common elements and facilities shall be corrected by the developer at least ten days prior to the closing of a sales contract on any condominium unit. The corrections shall be evidenced by a code inspection report.

E. Until such time as all units in a condominium property are sold, the director of community development shall conduct annual building inspections of all common elements, all common facilities, and at least ten percent of the unsold condominium units.

F. For condominium conversion projects, during review by the plan commission and village board as described in Section 15.34.040 of this Chapter, property improvements may be required as deemed necessary by the plan commission and village board. These improvements may include, but are not limited to, facade improvements, replacement or installation of fencing, replacement or installation of landscaping, parking lot improvements or expansion, and relocation of utilities and utility connections. In lieu of making the required improvements, the developer may place in an escrow fund to be held by the village or the village's designee for the use and benefit of the association, an amount to be determined during the review process. Said amount will be included in the approval resolution and/or ordinance.

G. For condominium conversion projects, during review by the plan commission and village board as described in Section 15.34.040 of this Chapter, unit upgrades may be required as deemed necessary by the plan commission and village board. In lieu of the required upgrades, the developer may offer a cash credit against the purchase price in the event that a purchaser declines the upgrades. The amount of the cash credit will be determined during the review process and included in the approval resolution and/or ordinance.

H. No unit in a conversion building shall be occupied unless and until a certificate of inspection has been issued for such unit by the director of community development.

I. Before a certificate of inspection may be issued for a unit, such unit and the common areas of the conversion building must be inspected by the village for compliance with applicable village ordinances. No certificate of inspection shall be issued by the village for any unit unless and until the common areas of the conversion building and the unit are in compliance with the applicable village ordinances.

J. The fees for inspection of a condominium conversion project shall be as follows: The fee for the inspection of individual units of a condominium conversion project shall be as provided in the schedule of fees and charges set forth in Title 1, Chapter 1.26, and shall be payable on or before the date upon which each such unit is inspected by the village.

K. The developer of a condominium conversion project shall arrange the dates and times for the inspections required by this section with the director of community development.

15.08.090 Warranties

A. All sales contracts for the first-time sale of any condominium unit covered under this Chapter shall contain the following express warranties by the developer:

1. Common Elements. The developer shall warrant the materials, workmanship, operation, construction or condition of all common elements of each building for a period of one year from the date of transfer of title of the last unit within such building. The developer shall provide his own warranty, whether or not any manufacturer's warrant currently exists.

2. Individual Unit Mechanical Equipment. "Individual unit mechanical equipment" shall refer to all appliances, and other mechanical equipment including heating, electrical and plumbing systems physically located within the individually owned units. The developer shall warrant the materials, workmanship, operation, construction and condition of said items for one year from the date of title transfer of that individual unit.
3. Warrant Exclusions. The following are exempted from all of the above warranties provided the work was done in accordance with existing applicable codes:
 - a. Damage caused by acts of unauthorized third parties, including vandalism, negligence, improper maintenance or improper operation by anyone other than the declarant or his employees, agents, or subcontractors;
 - b. Acts of God and accidents, including but not limited to fire, explosion, smoke, water escape, windstorm, hail, lightening, flood and earthquake;
 - c. Normal wear and tear and normal deterioration;
 - d. Ordinary maintenance.
4. In order to cause said warranty to be honored, the unit owners' association or the unit owner, as the case may be, shall give timely notice of any defect or failure of operation to the developer or his successor, all such notices to be during the period of warranty.

15.08.100 Cooling-off period

A. Every developer shall include in the contract of sale for each condominium unit a clause which shall read as follows:

Seller hereby grants to purchaser a period of ten (10) days within which to review the condominium documents made available to the purchaser pursuant to this Ordinance.

Notwithstanding any other provision of this agreement, if the purchaser is not satisfied with the said condominium documents, the purchaser may, at his election, by written notice to the seller at any time prior to midnight local time of the tenth day following the date the contract is signed by the purchaser, terminate this agreement, and the purchaser's deposit shall be refunded and the parties hereto shall have no further rights or liabilities under the agreement.

B. The clause in the sales contract which provides for the ten-day cooling-off period must be located:

1. Either immediately above the purchaser's signature; or
2. Under a conspicuous caption entitled "PURCHASER'S RIGHT TO CANCEL."

C. The rights of purchasers under this section may not be waived in the contract of sale and any attempted waiver is void.

15.08.110 Provisions required in unit owners' association bylaws

A. The bylaws of the unit owners' association shall include, but not be limited to, the following information:

1. The legal right of the association to control the administration, maintenance and repair of common elements; and to levy common charges upon such owners to replace or alter portions of the condominium project;
2. The manner of election of the governing groups and details relating to their number, terms, powers and duties, removal and the quorum required for meetings;
3. Provisions for meetings of owners of condominium interests including the notices required for such meetings, and the rights and powers of such owners;
4. Percentages of votes required by the owners of the board of managers for all action;
5. Details concerning the operations and management of the condominium by the board of managers;
6. Statement on the method and timing of transfer of control over the condominium project to the board of managers, the board of managers' relationship with the developer, and the nature and extent of any interest retained by the developer;
7. Manner of collecting from the apartment owners their share of the common expenses;
8. Designation and removal of personnel necessary for the maintenance, repair and replacement of the common areas and facilities;
9. Method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common areas and facilities; and
10. Such restrictions on and requirements respecting the use and maintenance of the condominium units and the use of the common areas and facilities as are designed to prevent unreasonable interference with the use of their respective condominium units and of the common areas and facilities by the several unit owners.

15.08.120 Transfer of control

Control over the condominium project shall be transferred from the developer to the board of managers, pursuant to the Illinois Condominium Property Act, at such time as seventy-five percent of the condominium units are sold, or no later than three years from the closing date of the first unit.

15.08.130 Equal opportunity

No person shall be denied the right to purchase or lease a condominium unit because of race, color, religion, sex, age, marital status, presence or age of children or national origin.

15.08.140 Unlawful representations

The fact that a disclosure statement has been filed with the duly constituted authorities of the village shall not be deemed a finding by the village that the condominium disclosure statement is true and accurate or that the village has in any way passed upon the merits or given approval to the condominium project. It shall be unlawful to make or cause to be made to a prospective purchaser any representation contrary to the foregoing. It shall likewise be unlawful for any person to make or cause to be made in a condominium disclosure statement to a prospective purchaser any statement or representation that is knowingly false or

misleading. It shall also be unlawful for anyone to make, or cause to be made, to any prospective purchaser any representations which differ from the statements in the condominium disclosure statement or amendments to that statement.

15.08.150 Investigation and conciliation

A. The village manager, or his designee, is hereby authorized and directed to receive complaints and conduct such investigations as he/she deems necessary pursuant to the authority vested in that office.

B. Whenever it is determined by the village manager, or his designee, that there has been a violation of this Chapter or any duly adopted rule or regulation of the village, that office is authorized to seek all or a portion of the following relief, or any other relief that may be granted by law:

1. Attempt to conciliate the matter by conference or otherwise and secure a written conciliation agreement;
2. Seek a written assurance of discontinuance which shall be signed by the declarant and the village manager or his designee;
3. Institute injunctive or other appropriate action or proceeding in any court of competent jurisdiction to obtain a restraining order, permanent or temporary injunction or any other appropriate form of relief.

15.08.160 Penalties

Any person who willfully violates any provision of this Chapter or who willfully makes an untrue or misleading statement of material fact to be stated therein, or who willfully fails to state any fact required to be stated herein shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than fifty dollars or more than five hundred dollars or imprisonment for a period of not more than six months, or both. Each day a violation of this Chapter exists shall constitute a separate offense.

15.08.170 Severability

If any provision of this Chapter or the application thereof shall be held invalid, such provision shall be deemed separate and distinct and such decision shall not affect the validity of the remaining portions thereof.

CHAPTER 15.09 ADDITIONAL FEES

15.09.010 Fee for outside consultants

In the event the village is required to utilize consulting or engineering services in connection with the review of any construction project, the permittee shall be required to reimburse the village for the actual costs incurred by the village for those services. This shall include consulting services necessitated by deficiencies in the work.

15.09.020 Fee waiver designated

A. Whenever any federal, state or local agency proposes to construct any building, structure or improvement within the village limits, fees up to an aggregate amount of one thousand dollars per calendar year otherwise due the village under the terms and provisions of Title 1, Chapter 1.26, shall be waived with respect to the following sections:

1. Application fee for any permit request.
2. Fee for plan examination.
3. Fee for engineering services.
4. Deposit on all building permits.
5. Fee for new construction.
6. Fee for remodeling, reroofing and re-siding.
7. Fee for central heating and air conditioning installation.
8. Fee for electrical installation and alteration.
9. Fee for fireplace construction.
10. Fee for moving a structure.
11. Fee for swimming pools.
12. Fee for fences.
13. Fee for driveways.
14. Fee to demolish a building or structure.
15. Fee for reinspection.
16. The fees due the village for water or sewer purposes under the terms and provisions of Title 13, Water and Sewers, of the Municipal Code, shall not be affected by this section.

CHAPTER 15.10 REAL ESTATE TRANSFER CERTIFICATE

15.10.010 Required upon real estate transfer

A. No real estate in the village of Wheeling shall be sold, quit claimed, traded or otherwise transferred unless it has been determined that the village's water, sewer and garbage disposal assessments related to the parcel, as of the most recent billing, have been paid in full, and that the owner of the real estate is otherwise not in debt to the village, as evidenced by a transfer certificate issued by the director of finance.

B. The requirement of obtaining a transfer certificate shall be mandatory on all transfers of ownership of or beneficial interest in real estate located within the village. The requirement shall further be reflected on all real estate title insurance reports conducted precedent to the transfer of ownership to give public notice of the mandatory requirement of the transfer certificate. A certified copy of the ordinance codified in this Chapter shall be recorded with the county recorder of deeds, and copies shall be sent to all title insurance companies with notice that a transfer certificate is required on any transfer of ownership of real estate in the village.

C. An application for a transfer certificate can be secured from the office of the director of finance by any person owning real estate located within the village or his agent or nominee. The application for a transfer certificate must be submitted to the director of finance during regular business hours not less than seven business days prior to any proposed sale, assignment or other transfer for any legal or beneficial interest of such real estate or as soon as is practical to allow sufficient time for the finance director or his designee to determine if the applicant has met the requirements for a transfer certificate.

1. If the finance director or his designee determines that the applicant has paid in full all water, sewer and garbage disposal assessments as of the most recent billing, and that the owner is not otherwise in debt to the village, the finance director shall issue a transfer certificate which must be submitted with the original deed or document of transfer in order to transfer property within the village. The transfer certificate shall indicate that as of the date of the most recent billing, all water, sewer and garbage disposal assessments have been paid in full and that the owner is not otherwise in debt to the village. Any unbilled assessments as of the date of closing shall remain the responsibility of the owner of the real estate. The transfer certificate shall be valid for a period of thirty days from the date of issuance. The finance department shall keep a record of all transfer certificates on file in the office of the finance department, and copies shall be furnished, upon request, to any person having a tenancy interest in the property.
2. If the finance director or his designee determines that the applicant has not paid in full all water, sewer and/or garbage disposal assessments, or that the owner is otherwise in debt to the village, no transfer certificate shall be issued. The applicant will be given a report in a form adopted by the finance department which indicates any water, sewer, garbage assessments, and/or debts owed by the owner to the village. When, and if, the applicant has paid the debt noted on the report, he shall reapply for a transfer certificate.

15.10.020 Appeal of refusal to issue

A. Any person whose application for a transfer certificate has been denied may appeal to the board of trustees and contest the findings contained on the report or request that the requirements of this Chapter be waived in his or her particular circumstances.

B. An appeal to the board of trustees must be perfected by filing a notice of appeal with the village clerk. Such notice of appeal must be filed within ten days from the date of issuance of the report denying the transfer certificate. The board of trustees may grant a variance from the requirements of the code only when the applicant can prove by a preponderance of the evidence that:

1. Compliance with the requirements of the code will place an extreme hardship on the applicant; or
2. Physical conditions make compliance impossible.

C. The board of trustees shall hold a hearing on the appeal within seven days of the filing of the notice of appeal. It shall render a written decision at the close of the hearing or within seven days of the close of the evidence, at the latest.

SECTION C: Those sections, paragraphs, and provisions of the Wheeling Municipal Code which are not expressly amended or repealed by this Ordinance are hereby re-enacted; and it is expressly declared to be the intention of this Ordinance not to amend any portion of the Wheeling Municipal Code other than that expressly amended in Section A through Section B of this Ordinance.

SECTION D: If any provision of this Ordinance, or application thereof to any person, property or circumstance, shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect other provisions or

applications which can be given effect without the invalid or unenforceable provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION E: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Trustee Argiris moved, seconded by Trustee Heer that Ordinance Number 4739 be adopted.

President Abruscato Aye

Trustee Hein Aye

Trustee Argiris Aye

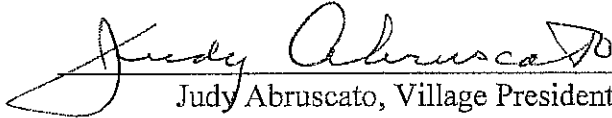
Trustee Lang Aye

Trustee Brady Aye


Trustee Vogel Aye

Trustee Heer Aye

ADOPTED this 10th day of December, 2012, by the Village President and Board of Trustees of the Village of Wheeling, Cook and Lake Counties, Illinois.


Judy Abruscato, Village President

ATTEST:


Elaine E. Simpson, Village Clerk



APPROVED AS TO FORM ONLY:

James Ferolo, Village Attorney

To be published: _____

To be published in book form: _____